

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 89601**

This is to certify that: **MURRAY WATER ASSN INC**
115 WALT ALMQUIST DR
MURRAY, ID 83874-5000

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>
94-8142	WR/LICENSE	7/21/2011	0.110 cfs	24.6 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>
94-8142	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>
94-8142	94-8142	0.110 cfs	24.6 af	N/A	N/A	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		0.110 cfs	24.6 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 7th day of May, 2025.


Chace Bell, Water Resources Supervisor

Transfer No. 89601

WATER RIGHT NO. 94-8142
As Modified by Transfer No. 89601

In accordance with the approval of Transfer No. 89601, Water Right No. 94-8142 is now described as follows:

Right Holder: MURRAY WATER ASSN INC
 115 WALT ALMQUIST DR
 MURRAY, ID 83874-5000

Priority Date: 7/21/2011

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	0.110 cfs	24.6 af
			0.110 cfs	24.6 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NWNW	Sec 5	Twp 49N Rge 05E	SHOSHONE County
GROUND WATER	SWNW	Sec 5	Twp 49N Rge 05E	SHOSHONE County
GROUND WATER	SWNW	Sec 5	Twp 49N Rge 05E	SHOSHONE County
GROUND WATER	NENE	Sec 6	Twp 49N Rge 05E	SHOSHONE County
GROUND WATER	NENE	Sec 6	Twp 49N Rge 05E	SHOSHONE County

PLACE OF USE: MUNICIPAL

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
49N	05E	5					X	X	X	X									
49N	05E	6	X	X		X													

CONDITIONS OF APPROVAL

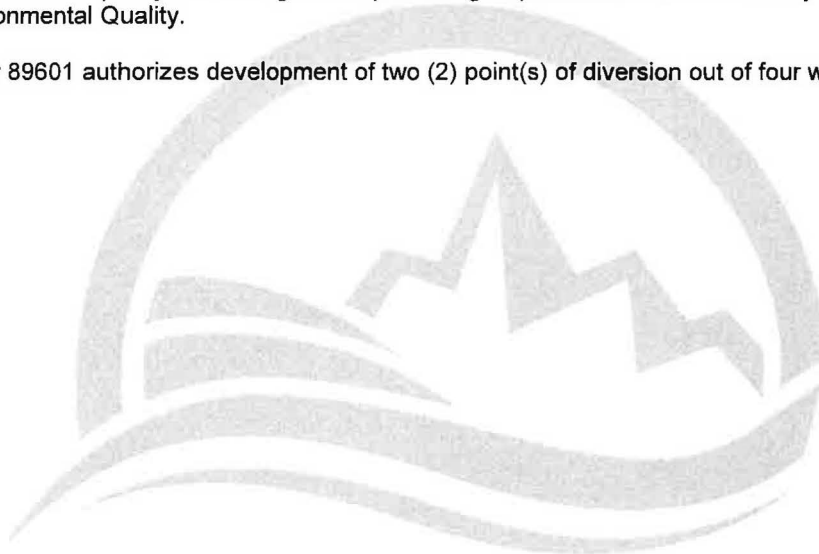
1. A map depicting the place of use boundary for this water right at the time of this approval is attached to this document for illustrative purposes.
2. Place of use is within the service area of the Murray Water Association Inc., water system No. ID1400039, as provided for under Idaho law. The place of use is generally described as located within Sections 5 and 6 of Township 49 North, Range 5 East and does not include federal public lands.
3. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
4. This right does not grant any right-of-way or easement across the land of another.
5. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

Transfer No. 89601

WATER RIGHT NO. 94-8142
As Modified by Transfer No. 89601

CONDITIONS OF APPROVAL

6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
8. 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.
9. Transfer 89601 authorizes development of two (2) point(s) of diversion out of four well sites.

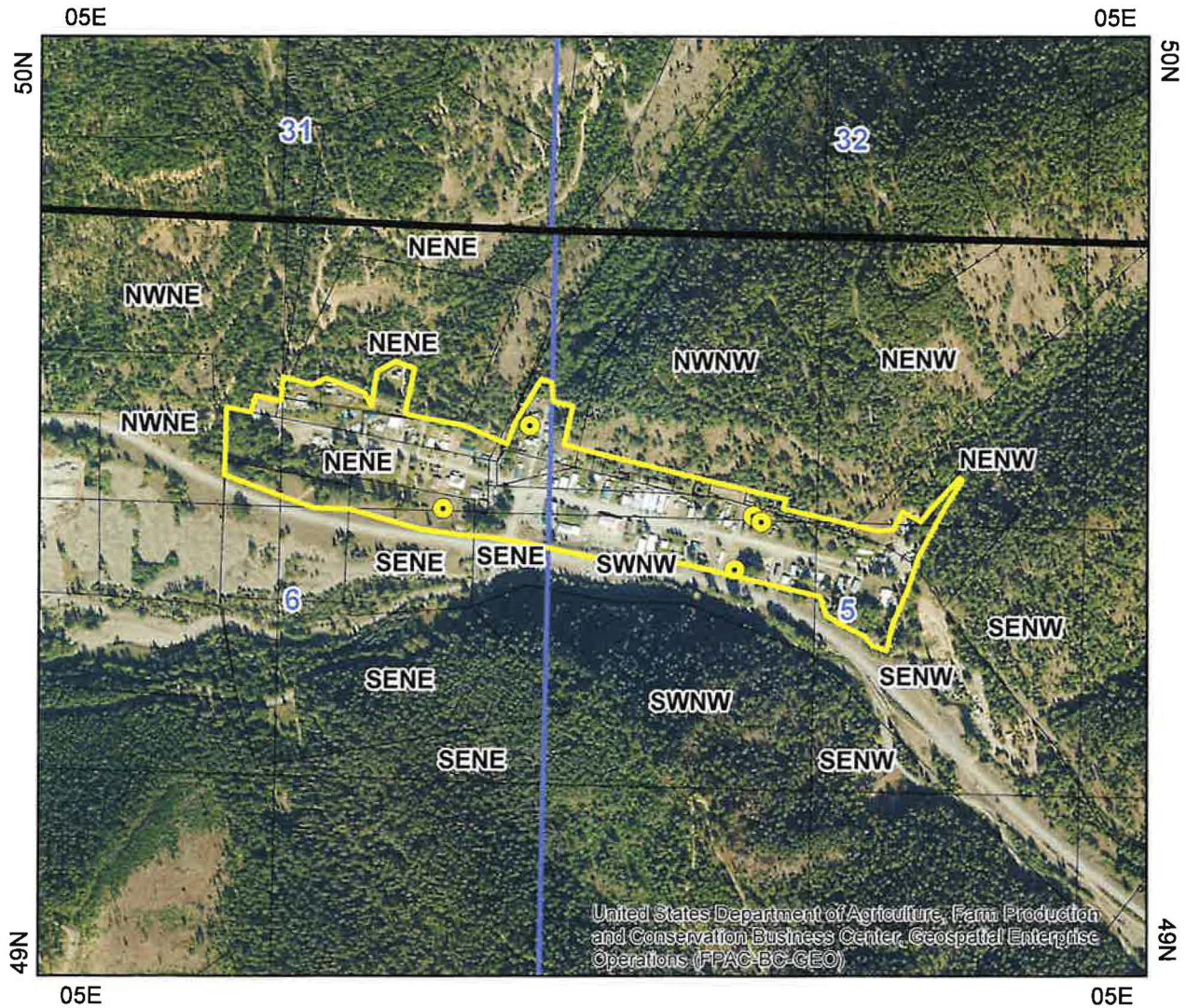


Murray Water Assn Inc.

Attachment to Transfer # 89601

Right 94-8142

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 0.1 0.2 0.4 Miles

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





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 07, 2025

MURRAY WATER ASSN INC
115 WALT ALMQUIST DR
MURRAY ID 83874-5000

Re: Transfer No: 89601
Water Right No.: 94-8142
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,



Chace Bell
Water Rights Supervisor

Enclosure

CC:
JAMES S DE SMET
212 W IRONWOOD DR SUITE D 671
COEUR D ALENE ID 83814-1403

STEVE HALE
6518 PRICHARD CREEK STREET
MURRAY ID 83874

CERTIFICATE OF SERVICE

I hereby certify that on May 07, 2025 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.: 89601

Water Right No.: 94-8142

**MURRAY WATER ASSN INC
115 WALT ALMQUIST DR
MURRAY ID 83874-5000**

**JAMES S DE SMET
212 W IRONWOOD DR SUITE D 671
COEUR D ALENE ID 83814-1403**

**STEVE HALE
6518 PRICHARD CREEK ST
MURRAY ID 83874**



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.

MEMORANDUM

Date: April 7, 2025
To: Transfer 89601
From: Luke Bates *jsb 4/7/25*
Re: Review & Evaluation of Sufficiency of Information

Review & Evaluation of Sufficiency of Information
4/7/2025

This transfer proposes adding two (2) new groundwater well POD to the applicant's current water system. The proposed well(s) shall provide redundancy and does not increase maximum diversion rate for Right(s) 94-8142.

Authority to File:

The applicant is listed as the current owner of the rights being transferred according to IDWR records. Murray Water Association, Inc.'s acting Vice President, Steve Hale, signed the application. The applicant's consultant, James S. De Smet (PE, PG), served as the intermediary with IDWR throughout the filing process.

Water Right Validity:

The Water right is valid and was Licensed by the Department on 2/2/2021.

Injury to Other Water Rights:

Injury is not anticipated.

Enlargement of Use:

None, the added groundwater well(s) shall serve as redundancy for the current water system. The applicant asserts by declaration in the filing that the existing ground water source may be abandoned dependent on productivity of 2 new ground water source PODs. During transfer approval processing conditions 046, T07, T08, 106, and a text version of 076 were added to Right 94-8142.

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 Murray Water Assn, Inc. and the City of Murray.

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.

Bowman, Micki

From: Anna Moody
Sent: Monday, March 24, 2025 1:22 PM
To: Bowman, Micki; Robert Steed
Cc: Steve Burns
Subject: RE: Request for Comments for Transfer No 89601
Attachments: 89601 Application for Transfer.pdf; ID1400039 Murray Water - Well Site Evaluation - P&S 57173 - DEQ Conditional Approval 08-23-2024.PDF

Please find the following comments from the Idaho Department of Environmental Quality (DEQ) for the subject Application for Transfer.

The Murray Water Association is a public drinking water system, PWS# ID1400039, subject to the Idaho Rules for Public Drinking Water Systems (IDAOA 58.01.08). Murray Water Association is approved to locate new drinking water wells on four sites, Well sites A, B, C, and D. See attached "DEQ Conditional Approval 08-23-2024". The required Preliminary Engineering Report and Plans and Specifications have been submitted and must be approved by DEQ prior to construction of the proposed well(s) and activation of the subject water rights at new points of diversion.

Anna Moody | Drinking Water Compliance Supervisor
Idaho Department of Environmental Quality
Office: (208) 769-1422

From: Bowman, Micki <Micki.Bowman@idwr.idaho.gov>
Sent: Thursday, February 27, 2025 2:24 PM
To: Anna Moody <Anna.Moody@deq.idaho.gov>; Robert Steed <Robert.Steed@deq.idaho.gov>
Subject: Request for Comments for Transfer No 89601

The Department of Water Resources is seeking written comment and/or recommendations from your agency regarding the above referenced 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 March 24, 2025.**

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



August 23, 2024

Steve Hale
Murray Water Association
115 Walt Almquist Ave
Murray, ID 83871
stevenbrenda1@hotmail.com

Subject: DEQ Conditional Approval – Well Site Evaluation – Four Possible Sites for Two Source Wells – Murray Water Association; State Revolving Loan Fund DW2319 and DW2319AP

Dear Mr. Hale:

This letter is to confirm that Idaho Department of Environmental Quality (DEQ) has inspected and conditionally approved your proposed well sites in accordance with Section 510.01 of the Idaho Rules for Public Drinking Water Systems – IDAPA 58.01.08 (Rules). The well sites are approved for the possible locations shown on the attached map. The following requirements must be met for use of the proposed well sites as public drinking water sources:

I. Standard Conditions:

- A. This approval of the well site does not constitute approval to construct or drill the proposed well. A preliminary engineering report and detailed plans and specifications for well construction must be reviewed and approved by DEQ prior to starting construction.
- B. Public drinking water wells must be sited on a well lot owned or controlled by the water system. If the well lot is not owned in fee simple, the property must be controlled by a long term lease or easement. The report states that a 30-year lease is currently being negotiated with the county for certain sites. While DEQ acknowledges that this is the maximum duration allowable for an easement with the county, this time frame does not align with the expected lifespan of the well. Therefore, Murray will need to develop a plan and timeline for renegotiating the easements in the future as the installments extend beyond the life of the current easements. This plan should be included in the system's O&M Manual. The well lot property line must extend a minimum of 50 feet from the well. DEQ recognizes that this setback requirement is going to be a challenge. Those and other requirements for well lots are noted in Section 512 of the Rules.
- C. Section 510 of the Rules specifies well head setbacks to many key features of concerns. Given the constraints of the narrow-valley location of Murray, DEQ recognizes that locations that satisfy all setback requirements are going to be difficult to establish. For this reason, it is critical that potential sources of contamination be identified in detail to determine the best locations. Please see the Project Specific Conditions section of this letter for details. The proposed well location must meet or exceed these setbacks which are summarized below:
 - i. 100 feet from all septic tanks
 - ii. 100 feet from all individual home septic tanks
 - iii. 100 feet from all individual home seepage pits
 - iv. 100 feet from all privies

- v. 100 feet from all pressure sewer lines
 - vi. 50 feet from all gravity sewer lines
 - vii. 50 feet from all livestock
 - viii. 50 feet from canals, streams, rivers, ditches, lakes, and ponds
 - ix. 50 feet from all tanks used to store non-potable substances
 - x. In addition, a 50 foot setback is required from any other potential source of contamination, including active farming land.
- D. Please contact the Idaho Department of Water Resources (IDWR) to ensure that you are complying with the rules and laws administered by that department. IDWR will not issue a drilling permit until you have a water right authorizing diversion at the well site, so early coordination can prevent construction delays.
- E. Written authorization must be received from DEQ before water can be served to the public from these wells. Approvals of other portions of this project, and/or the lifting of sanitary restrictions, shall not be interpreted as authorization to serve the public.

II. Project Specific Conditions:

- A. It's crucial to thoroughly identify potential sources of contamination to determine the optimal locations. The report suggests that septic tanks and drain fields are likely situated outside the setback areas, but this has not been confirmed. In the Preliminary Engineering Report for well drilling, provide verified locations of septic tanks and drain fields concerning the required setbacks for the selected development sites. Alternatively, provide a narrative detailing the efforts made to verify these locations. If the systems were installed before regulatory authority was established, include a narrative explaining this situation.
- B. DEQ is granting conditional approval for the four sites proposed in the Well Site Evaluation. However, if any of these sites are not selected for development within the current project, DEQ will need to reassess the viability of the unused sites for any future developments.

If you have any questions or comments, please contact me at (208) 666-4622 or [email](#).

Regards,



Steve Burns, PE
Water Quality Engineer

Encl: Approved Well Site Location

c: Jesse Herndon, PE, jherndon@hmf-llc.com
Katy Baker-Casile, PE, DEQ, katy.baker-casile@deq.idaho.gov
Jim Williamson, DEQ, jim.williamson@deq.idaho.gov
Nicolas Hiebert, PE, DEQ, nicolas.hiebert@deq.idaho.gov
EDMS: ID1400039 : 2024AGD5468 (P&S 57173)

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
) ss.
County of Shoshone)

RECEIVED

MAR 17 2025

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 Tuesday and Friday, in Shoshone 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 Friday issue of said newspaper for 2 consecutive weeks commencing on the 7 day of March, 2025, and ending on the 14 day of March, 2025, and such publication was made as often during said period as said bi-weekly newspaper was regularly issued.

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

R. J. Lindstrom
On this 14 day of March in the year of 2025 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.



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

My Commission Expires 03/20/2029

NOTICE OF PROPOSED CHANGE OF WATER RIGHT TRANSFER NO. 89601
MURRAY WATER ASSN INC, 115 ALMQUIST AVENUE, MURRAY, ID 83874 has filed Application No. 89601 for changes to the following water rights within SHOSHONE County(s): Right No(s). 94-8142; 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 adding two (2) new points of diversion to Murray Water Assn Inc's existing GW right 94-8142. Four well sites are proposed but only 2 will be developed; located in the SW1/4NW1/4 and NW1/4NW1/4 of Section 5, Twp 49N, Rge 05E, and the NE1/4NE1/4 of Section 6, Twp 49N, Rge 05E.

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 3/24/2025. The protestant must also send a copy of the protest to the applicant.
MATHEW WEAVER, Director
SHOLegal#5028
AD#33321
March 7, 14, 2025