

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 90032**

This is to certify that: ANNETTA LYNN CLUGSTON
17789 N CACHE BAR CT
HAYDEN, ID 83835-7943

RODNEY H CLUGSTON
17789 N CACHE BAR CT
HAYDEN, 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>
95-17682	WR/LICENSE	11/6/2018	0.060 cfs	1.6 af	N/A	N/A	SPRING

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>
95-17682	NO	NO	YES	NO	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>
95-17682	95-17682	0.060 cfs	1.6 af	N/A	N/A	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		0.060 cfs	1.6 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 24th day of July, 2026.


Spencer Humphrey, Water Resource Supervisor

WATER RIGHT NO. 95-17682
As Modified by Transfer No. 90032

In accordance with the approval of Transfer No. 90032, Water Right No. 95-17682 is now described as follows:

Right Holder: RODNEY H CLUGSTON
 17789 N CACHE BAR CT
 HAYDEN, ID 83835
 AND/OR
 ANNETTA LYNN CLUGSTON
 17789 N CACHE BAR CT
 HAYDEN, ID 83835-7943

Priority Date: 11/6/2018

Source: SPRING

Tributary: SINKS

BENEFICIAL USE	From	To	Diversion Rate	Diversion Volume
DOMESTIC	01/01	to 12/31	0.040 cfs	1.2 af
STOCKWATER	01/01	to 12/31	0.020 cfs	0.4 af
			0.060 cfs	1.6 af

LOCATION OF POINT(S) OF DIVERSION

SPRING NWNESW Sec 20 Twp 52N Rge 03W KOOTENAI County

PLACE OF USE: DOMESTIC

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
52N	03W	20									X								

PLACE OF USE: STOCKWATER

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
52N	03W	20									X								

CONDITIONS OF APPROVAL

1. Domestic use is for 1 home.
2. The irrigation occurring under this domestic use shall not exceed 1/2 acre.
3. This right does not grant any right-of-way or easement across the land of another.
4. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

Transfer No. 90032

WATER RIGHT NO. 95-17682
As Modified by Transfer No. 90032

CONDITIONS OF APPROVAL

5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.



Rodney H Clugston & Annetta Lynn Clugston

Attachment to Transfer # 90032

Right 95-17682

This map depicts the DOMESTIC and STOCKWATER 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.

03W



-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  Sections
-  Quarter Quarters



0 0.04 0.09 0.14 0.18 Miles



Imagery: 2023 Aerial Photography
Prepared By Bates, Luke



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

July 24, 2026

RODNEY H CLUGSTON
17789 N CACHE BAR CT
HAYDEN ID 83835

ANNETTA LYNN CLUGSTON
17789 N CACHE BAR CT
HAYDEN ID 83835-7943

Re: Transfer No: 90032
Water Right No(s): 95-17682
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 me at (208) 762-2800.

Sincerely,

A handwritten signature in blue ink, appearing to read "Spencer Humphrey", with a long horizontal flourish extending to the right.

Spencer Humphrey
Water Resources Supervisor

Enclosure

CERTIFICATE OF SERVICE

I hereby certify that on July 24, 2026 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.: 90032
Water Right No(s): 95-17682

RODNEY H CLUGSTON
17789 N CACHE BAR CT
HAYDEN ID 83835

ANNETTA LYNN CLUGSTON
17789 N CACHE BAR CT
HAYDEN ID 83835-7943



Micki Bowman
Administrative Assistant

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

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

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

PETITION FOR RECONSIDERATION

(See Idaho Code § 67-5243(3))

Any party may file a petition for reconsideration of this preliminary order with the Department within fourteen (14) days of the service date of this order as shown on the certificate of service. **Note: the petition must be received by the Department within this fourteen (14) day period.** The presiding officer 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.

PETITION FOR REVIEW (EXCEPTIONS)

(See Idaho Code § 67-5245)

Within fourteen (14) days after: (a) the service date of this preliminary order, (b) the service date of a denial of a petition for reconsideration of this preliminary order, or (c) the failure within twenty-one (21) days of the presiding officer to act on a petition for reconsideration of this preliminary order, any party may petition the Director in writing to review any part of this preliminary order by filing exceptions, and any supporting brief, with the Department.¹ Any parties opposing the exceptions shall have fourteen (14) days from the service date of the exceptions to file a brief. If the Director determines that oral argument is to be heard, the Director will provide reasonable notice to the parties of the place, date, and hour for the argument.

The Director will issue a final order on exceptions within fifty-six (56) days of receipt of the written briefs or oral argument, whichever is later, unless extended for good cause. The Director may remand the matter for or hold an evidentiary hearing if further factual development of the record is necessary before issuing a final order.

REQUEST FOR HEARING

(See Idaho Code § 42-1701A(3))

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 Idaho Code § 42-1701A(3). A written petition to the Director contesting the preliminary order and requesting a hearing must be filed with the Department

¹ The Director may decide to review this preliminary order upon his own motion. Should the Director decide to do so, the Director will provide written notice to the parties within the period the parties are allowed to petition the director for review of the preliminary order.

by any aggrieved person **within fifteen (15) days after service of this preliminary order.**

CERTIFICATE OF SERVICE

(See IDAPA 37.01.01.053, 37.01.01.202)

All documents filed with the Department in connection with a petition for reconsideration, petition for review, or a request for hearing of this preliminary order shall be served on all other parties to the proceedings in accordance with Rules of Procedure 53 and 202.

MEMORANDUM

Date: June 26, 2026
To: Transfer 90032
From: Luke Bates  6/26/2026
Re: Review & Evaluation of Sufficiency of Information

Authority to File:

The Applicant is the current owner of WR 95-17682, with change of ownership being recently finalized by the Department.

Water Right Validity:

The water right is valid and current.

Injury to Other Water Rights:

Injury is not anticipated; the spring source and POD historically are located within the Applicant's property, and the transfer filing changes the POU from prior WR owner to current WR owner (Applicant). The spring source sinks to ground prior to overland flow to another surface water source negating any downstream potential for injury.

During review and approval processing I've recommended adding conditions T07 and T08 which are general conditions of approval requiring the change of POD to be accomplished within 1 year of approval.

I recommended removal of condition 928 – as licensed the POU served water to a residence which also had a separate Notice of Claim filed in the Coeur d'Alene Spokane River Basin Adjudication (CSRBA). Condition 928 served to mitigate overlap between water rights and prevent stacking. Once the transfer is approved the POU for domestic and stockwater shall change to a parcel that has no other water rights associated with it, thus negating the need for condition 928.

Enlargement of Use:

None.

Local Public Interest:

No negative issues arose during the public comment period. No comments were received from IDEQ regarding the proposed transfer.

Beneficial Use/Conservation of Water Resources:

The proposed change of POU retains the WR's domestic & stockwater uses which are recognized authorized beneficial uses of water.

Effect on Economy the Local Area:

None anticipated.

Effect on Agricultural Base of the Local Area:

None anticipated – the spring source doesn't supply water for irrigation, only lawn/garden use connected to domestic use for 1 home and stockwater.

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.

AFFIDAVIT OF PUBLICATION

RECEIVED

JUN 15 2026

IDWR / NORTH

STATE OF IDAHO)
) ss.
County of Kootenai)

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

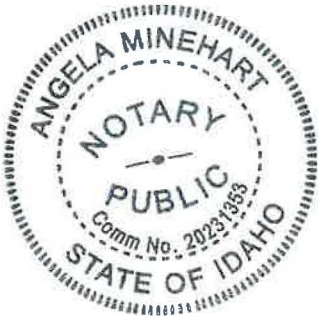
1. I am now and at all times hereinafter mentioned was a citizen of the United States, resident of the State of Idaho, over the age of twenty-one years and not a party of the above entitled action.

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 4 day of June, 2026, and ending on the 11 day of June, 2026, 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 11 day of June in the year of 2026 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

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

95-18733

ERTEL FAMILY LIVING TRUST
1171 W DOLAN RD
RATHDRUM, ID 83858-8237
Point of Diversion NWSE
S23 T52N R04W KOOTENAI
County
Source GROUND WATER
Use: DOMESTIC
01/01 to 12/31 0.04 CFS
Use: IRRIGATION
03/15 to 11/15 0.15 CFS
Total Diversion:
0.19 CFS
Date Filed: 03-02-2026
Place Of Use: DOMESTIC,IR-
RIGATION
T52N R04W S23 NWSE
Total Acres: 5

95-18764

TIM BYERS
11168 W CRYSTAL BAY RD
POST FALLS, ID 83854
Point of Diversion NWNW
S11 T50N R05W KOOTENAI
County
Source SPOKANE RIVER Trib-
utary COLUMBIA RIVER
Use: IRRIGATION
3/15 to 11/15 0.03 CFS
Total Diversion:
0.03 CFS
Date Filed: 05-15-2026
Place Of Use: IRRIGATION
T50N R05W S11 L4(NWNW),N-
WNW,SWNW
Total Acres: 1.6

Permits will be subject to all
prior water rights. For addition-
al 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://research.idwr.idaho.gov/
apps/waterrights/wrapplacationresults/](https://research.idwr.idaho.gov/apps/waterrights/wrapplacationresults/). 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 6/22/2026. The
protestant must also send
a copy of the protest to the
applicant.

MATHEW WEAVER, Director

**NOTICE OF PROPOSED
CHANGE OF WATER RIGHT
TRANSFER NO. 90032**

RODNEY H CLUGSTON,
17789 N CACHE BAR CT,
HAYDEN, ID 83835; ANNETTA
LYNN CLUGSTON, 17789 N
CACHE BAR CT, HAYDEN, ID
83835-7943 has filed Applica-
tion No. 90032 for changes to
the following water rights within
KOOTENAI County(s): Right
No(s). 95-17682; to see a full
description of these rights and
the proposed transfer, please
see [https://research.idwr.idaho.
gov/apps/waterrights/query-
newtransfers](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
change the domestic and
stockwater place of use (POU)
for Right 95-17682 from the
SE1/4NW1/4 of Section 20, Twp
52N, Rge 03W to the current
right holder's property with new
POU to be designated in the
NE1/4SW1/4 of Section 20, Twp
52N, Rge 03W.

For additional information con-
cerning 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 6/22/2026. The
protestant must also send
a copy of the protest to the
applicant.

MATHEW WEAVER, Director
Legal#16458 AD#50536
June 4, 11, 2026