



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

April 2, 2009

ANDREW KEMP
14368 SAMHILL TRAIL
HAYDEN ID 83835

RE: Coeur d'Alene-Spokane River Basin Adjudication claim 95-10193 Violation of the Mandatory Permit Statute and discussion of CSRBA claim 95-10184

Dear Mr. Kemp:

The Idaho Department of Water Resources (IDWR) is currently in the process of reviewing adjudication claims in your area. I have reviewed both of your claims, 75-10184 and 75-10193. 75-10184 was a domestic claim for 0.02 cfs from a well. 75-10193 is an irrigation claim for 0.01 cfs from Hayden Lake for the irrigation of 0.2 acres.

The claimed priority date for 75-10193 is May 30, 2003. This date is in violation of the Mandatory Permit Statute for the water source and purpose of use claimed. I explain the permit system below, but I want to make sure you know you have a couple of options. First, your domestic claim 75-10184 can be applicable to up to one-half acre of lawn and garden irrigation from the well, but I will need you to let me know if you wish to do this. If you wish to irrigate the 0.2 acres from Hayden Lake, you will need to file an Application for Permit with IDWR.

The permit system for establishing a water right became mandatory for uses developed from ground water after March 25, 1963 (except for domestic purposes as defined by Section 42-111, Idaho Code), and for uses developed from surface water after May 20, 1971 (except for watering stock directly from streams).

Because the water use was not previously established under the permit system, an "Application for Permit" form should be filed instead of this claim. The adjudication claim fee you paid can be applied to the fee for the application for permit.

For your convenience, I am enclosing an Application for Permit form. I am also including a Withdrawal of Claim form if you wish to withdraw claim 95-10193, which you will need to do to get a refund or apply the \$51 claim fee to the permit. Please do not hesitate to contact me at (208) 287-4907 if you have any questions or concerns.

Sincerely,

Monica Van Bussum
Sr. Water Resource Agent
Adjudication Bureau

Enclosure(s): Application for Permit form
Claim Withdrawal Form