Saxton, Craig

From: rognbee@comcast.net
Sent: Tuesday, May 19, 2009 7:39 AM
To: Saxton, Craig
Subject: Re: Coeur d'Alene Spokane Basin Adjudication claim 95-10396

Hello, Craig:

Today I am mailing to you the executed Water Claim which you prepared for me. I chose a
priority date of 6/5/1964 which fits with what I could learn about the prior owners. Your feeling that most of the properties were built in the 50's sounds good to me. I did learn that the Cliffwood Summer Homes Addition, where the property is located, was recorded in March of 1953 (Book
D of Plats, pg 401). Again, Many Thanks for all of the help. We really appreciate it.

Sincerely,

Roger G. Heskett

----- Original Message -----
From: "Craig Saxton" <Craig.Saxton@idwr.idaho.gov>
To: rognbee@comcast.net
Sent: Friday, May 15, 2009 10:26:39 AM GMT -08:00 US/Canada Pacific
Subject: RE: Coeur d'Alene Spokane Basin Adjudication claim 95-10396

Roger,

Actually, I am in Boise. You can send it to either office, but if it is all the same to you, why don't you send it to me since I am familiar with what is going on.

My address is:

IDWR
ATTN: CRAIG L SAXTON
PO BOX 83720
BOISE ID 83720-0098

Sorry I wasn't clear with that **b**efore.

I am glad I could help. I should thank you. I really appreciate your willingness to work with me to trudge through the paperwork to get this all figured out. Not to worry, I am confident that we will get this all figured out and get

your water right secured.

Have a good weekend!

c

From: rognbee@comcast.net [mailto:rognbee@comcast.net]
Sent: Friday, May 15, 2009 11:18 AM
To: Saxton, Craig
Subject: Re: Coeur d'Alene Spokane Basin Adjudication claim 95-10396

Good Morning, Craig: Thank You, again, for all of your efforts on our behalf. I received the ammended document and will do some research. I will also talk to some neighbors up there this weekend. Some of them are even older than we are and have been there over 50 years and will be able to give pretty reliable information. I will get this right back to you early in the week. Do you have a separate mailing address or can I just send it to the 7600 Mineral Drive address and note it for your attention? You are very kind to help us on this and we very much appreciate it.

Sincerely

Roger

Heskett

----- Original Message -----
From: "Craig Saxton" <Craig.Saxton@idwr.idaho.gov>
To: rognbee@comcast.net
Sent: Friday, May 15, 2009 9:48:38 AM GMT -08:00 US/Canada Pacific
Subject: RE: Coeur d'Alene Spokane Basin Adjudication claim 95-10396

Hey Roger,

From what you told me, it sounds like a domestic use water right was probably established prior to May 20, 1971. I am attaching a word document which is an amended claim with the priority date blanked out. You are going to need to pick a priority date you feel is appropriate and complete and sign the claim. Then mail the amended claim back to me.

I cannot tell you what priority date to claim. I have some parcel information available to me and looking at the properties around yours, it looks like the homes were built, on average, in the 1950's. For some reason I do not have a year built date for your parcel. One thing you could do is call the assessors office with the parcel number and see if they can tell you when the home was built, or when the previous owners purchased the property. Might be able to trace back the deeds to the property. Your parcel number is 0-1340-000-009-0.

You could speak with some of your neighbors and see if they could give you an idea.

At this time, due to the nature of your claim, IDWR is not going to require evidence proving the priority date claimed. However, what happens is when IDWR submits its recommendations to the court in the form of a directors report, there will be an objection period. During this time you will be able to look at the recommendations made for your water right and your neighbors will be able to review the recommendation made for your water right. If you or your neighbors disagree with a recommendation, there will be an opportunity to file an objection to that recommendation. At that time, you might be required to provide evidence supporting the priority date claimed.

Let me know if this doesn't make sense.

Thanks,

Craig

From: rognbee@comcast.net [mailto:rognbee@comcast.net]
Sent: Thursday, May 14, 2009 3:58 PM
To: Saxton, Craig
Subject: Re: Coeur d'Alene Spokane Basin Adjudication claim 95-10396

Hello, Craig:

Thank You for contacting me. I think that I can answer your questions, as follows:

1) Yes. The prior owners were using lake water for domestic purposes.
2) When we purchased the property, the prior owners (now deceased) indicated that
they had been using the property for years while their children were growing up.
The prior owners were well past retirement age (maybe early seventies) so I
would assume that they had used the property for some 20 years or so.
3) We do not know when the cabin was built. We do know that it was moved from
Farragut Naval Station on Lake Pend O'Reille and placed on the property years
prior.

I hope the above will be of some assistance to you. Again, Many Thanks for
reaching me.

Sincerely,

Roger Heskett

----- Original Message -----
From: "Craig Saxton" <Craig.Saxton@idwr.idaho.gov>
To: rognbee@comcast.net
Sent: Thursday, May 14, 2009 9:39:59 AM GMT -08:00 US/Canada Pacific
Subject: Coeur d'Alene Spokane Basin Adjudication claim 95-10396

Dear Mr. Heskett,

I hope it is ok contacting you via e-mail. In the initial review of your adjudication claim 95-10396, I found a problem and thought it might be easiest to contact you by e-mail.

For the most part, the elements of claim look good except the priority date you claimed (copy of the claim attached). You claimed a priority date of **6-5-1979** noting that was the date you purchased the property. The problem is that in 1971, a statute was passed that basically says, as of May 20, 1971, any new appropriation of surface water needs to go through the permitting process. Or in other words, you can't establish a "grandfather" or **"beneficial use"** water right after 1971 and that is what you are claiming. In order to have a valid water right that was established in 1979, you needed to file an application for permit and it does not appear that one was filed.

With that said, based on your notes saying that you picked that priority date because that was when you bought the property, I though I would ask you if the water was being used by a previous owner of the property. If the domestic use of Spirit Lake water started before you bought the property in 1979, perhaps we could amend your claim to claim an earlier priority date that more accurately reflects when the water right was first established.

-When you bought the property, was the previous owner using Spirit Lake water for domestic purposes?
-If the water was being used, do you know for how long?
-When was the home built?

If you were the first person to put a pump in the lake and start using water for domestic purposes in 1979, you can still file for an application for permit and establish a water right. It just means you need to fill out a different form and go through a different process.

If you could fill me in on the history of the water use on your property, I would be more than happy to help figure out the best approach to take to secure a water right on your property.

As it sits now, because of the claimed priority date, I have not choice but to recommend your claim as

disallowed to the court because it is in violation of the mandatory permit statue for surface water.

I look forward to hearing from you.

Craig L. Saxton
Water Right Supervisor
Adjudication Bureua
craig.saxton@idwr.idaho.gov
208-287-4916