

Saxton, Craig

From: Saxton, Craig
Sent: Wednesday, May 27, 2009 8:50 AM
To: 'secozzetto@hotmail.com'
Cc: 'jcozzetto@gmail.com'; 'kimcozzetto@yahoo.com'
Subject: RE: Coeur d'Alene-Spokane Basin Adjudication claim: 95-10555 - Amendment
Attachments: 95-941 claim proof report.doc

Dear Sandra, Kimberly, and Jessica,

I received the signed amended claim Sandra sent me for 95-10555. Thanks. I updated the record and then renumbered 95-10555 to **95-941** to reflect that fact that your water right is a previously decreed water right. Any further documentation you receive from IDWR will reference water right number **95-941**. I am attaching a copy of the claim record for your files.

Let me know if you have any questions.

Thanks.
Craig

From: Saxton, Craig
Sent: Thursday, May 21, 2009 8:32 AM
To: 'secozzetto@hotmail.com'
Cc: 'jcozzetto@gmail.com'; 'kimcozzetto@yahoo.com'
Subject: RE: Coeur d'Alene-Spokane Basin Adjudication claim: 95-10555 - Amendment

Hello,

On the first version of the amended claim I sent you, I forgot to change the basis from "Beneficial Use" to "Decreed" under Item 15. I have corrected that error in the attached document.

Sorry about that.

Thanks,
Craig

From: Saxton, Craig
Sent: Thursday, May 21, 2009 8:02 AM
To: 'secozzetto@hotmail.com'
Cc: 'jcozzetto@gmail.com'; 'kimcozzetto@yahoo.com'
Subject: Coeur d'Alene-Spokane Basin Adjudication claim: 95-10555 - Amendment

Dear Sandra, Kimberly, and Jessica,

IDWR received adjudication claim 95-10555. The initial review indicates that water right 95-941 was decreed to your property in what is commonly referred to as the Twin Lakes Decree (State of Idaho vs Abbot) on April 19, 1989. For your convenience I am attaching a copy of the page out of the Twin Lakes decree that shows water right 95-491.

95-941 lists a priority date of 1951. Despite that the diversion rate shown on 95-941 is slightly less than what you originally claimed under 95-10555, I still think it would be to your advantage to amend your claim to reflect the elements of decree 95-941.

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-The main advantage of claiming 95-941 as the basis of your claim, is that you are claiming a previously verified water right so you don't have to go through any additional steps to prove your claim.

-Secondly, the 1982 priority date claimed for 95-10555 is in violation of what is referred to as the "Mandatory permit Statute". The Mandatory Permit Statute refers to a statute that was passed on May 20, 1971 and states that any new appropriation of surface water that commenced after May 20, 1971 requires an application for permit. In short, because your current claim has a surface water source, is based on beneficial use (not a verified water right), and claims a priority date after May 20, 1971, it is in violation of the statute and would have to be recommended as disallowed.

I would be happy to go into more detail with you about the mandatory permit statute if you would like, but I don't want to bother you with it when it won't be applicable to you if you opt to amend claim 95-10555 to claim the elements of decreed right 95-941.

Ok, what now?

I have attached an amended claim to this e-mail. I have ~~crossed-out~~ items previously claimed and highlighted and underlined items I have added. Please review the claim and make any changes to the claim you wish. This is your claim and despite that I am making suggestions, you need to make sure you claim what you are comfortable with.

When satisfied, sign the claim and return it to the address listed below. We only need Sandra to sign the claim since she was the person that signed the original claim (attached).

IDWR
ATTN: CRAIG L SAXTON
PO BOX 83720
BOISE ID 83720-00998

Please feel free to contact me if you have any questions.

Sincerely,

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

5/27/2009