



State of Idaho

DEPARTMENT OF WATER RESOURCES

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January 5, 2011

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

MEL R SCHUMAKER
SHARON L A SCHUMAKER
27299 FEUCHT RD
CULDESAC ID USA 83524

Re: Motion to file Late Notices of Claim
85-15731 and 85-15732

Dear Mr. and Ms. Schumaker,

The Idaho Department of Water Resources (IDWR) was forwarded copies of the late claims you filed with the Snake River Basin Adjudication (SRBA) court.

After my initial review of the claims, I found that neither 85-15731 nor 85-15732 claimed a priority date. In addition, there were also a couple of other elements of the claimed water right that need clarification.

85-15731:

1. **Item 2** on the claim requiring a priority date was left blank. The priority date is the date that water was first used from the claimed source (ground water) for the purposes of use claimed (domestic/stockwater). Under **item 5** on the original claim you stated that the well was drilled in approximately 1978. For your convenience, I am enclosing an updated claim in which I have filled in the priority date as 12/31/1978 (IDWR standard is to use the last day of the year when only a year is claimed). If this is not the priority date you wish to claim, please cross out the 12/31/1978 and fill in whatever date you feel is appropriate.

Please initial any other changes you wish to make sign the claim, and return it to me.

85-15731:

1. This has the same issue with having a blank priority date field. In order for the claim to be complete, a priority date under **item 2** needs to be claimed. I have highlighted this area for your convenience.

There is one other thing you need to keep in mind when claiming a priority date for use from the spring. 85-15732 claims use of water from a **spring**. As of May 20, 1971, a right to surface water can be obtained only by compliance with the application, permit

and license procedure established by Idaho Code §42-201. If use of the spring water for the purposes claim commenced after May 20, 1971, you will need to file an application for permit and probably withdraw your motion from the SRBA court. *This is not an issue with 85-15731 that claims use from ground water.*

2. **Item 6** of the original claim for 85-15732 claims only livestock (stockwater) however under **item 9** you have checked that the claim is for “domestic and stockwater” purposes. In addition, **item 13** states that “Spring water to be used for livestock and additional irrigation.”

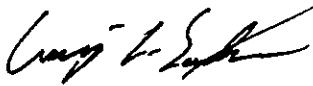
Because the domestic definition includes up to ½ acre of irrigation and because **item 9** indicates you might have intended to claim domestic as a use, I have prepared an updated claim that includes both domestic and stockwater uses from the spring. I also updated the claimed diversion rate to reflect the addition of domestic as a purpose of use.

Please look over the claim and initial any changes you wish to make. If my interpretation of the original claim is wrong and your intent was not to claim domestic use, please just cross out that part of the claim.

After filling in the priority date and making any additional changes necessary, please be sure to initial next to the changes, sign the claim, and return it to me.

In summary, at a minimum, we need a priority date claimed for both 85-15731 and 85-15732. I have suggested several changes and made some interpretations but I want to be clear that these are your claims, so please make sure they reflect what you want to claim. Please feel free to contact me at (208) 287-4916 with any questions.

Sincerely,



Craig L. Saxton
Water Rights Supervisor

Enclosures: Updated claim for 85-15731
Updated claim for 85-15732
Copy of original claim 85-15731
Copy of original claim 85-15732
Postage Paid Envelope to IDWR