



State of Idaho

## DEPARTMENT OF WATER RESOURCES

Northern Region • 7600 N. Mineral Drive, Suite 100 • Coeur d'Alene, Idaho 83815-7763  
Phone: (208) 762-2800 • Fax: (208) 762-2819 • Website: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

C.L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Director

May 8, 2014

MARYLEE FLY FAMILY TRUST  
32301 S HELLS GULCH RD  
ST MARIES ID 83861

RE: Evidence of Priority Date Claim No(s): 91-7526

**RESPONSE DEADLINE DATE: May 30, 2014**

Dear Ms. Fly:

The Notice of Claim to a Water Right identified with the number shown above has been filed in the Coeur d'Alene-Spokane River Basin Adjudication, also known as Phase 1 of the Northern Idaho Adjudication (NIA). The claim indicates your water usage is based on "Beneficial Use". Water rights of this type are established by the historic use of water, dating back to when water was first used for the purpose claimed, and are termed beneficial use rights. The date of first use, known as the priority date, has not been confirmed by a License, Decree or Permit. Since the priority date and historic use of a beneficial use right cannot be confirmed by field examination, proof must be provided by the claimant supporting the priority date claimed and the historic use of the water.

Enclosed you will find the pamphlet entitled "Evidence of Priority". The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement.

It's also noted that the claim shows that two wells are used to supply water to two homes. (*Your home is listed under parcel number 47N03W-36-0400*). Are the wells plumbed together so that they both supply the two homes? The priority date should reflect the first usage date of each home from its source of water supply. If the second home was added later, you may want to file a separate adjudication claim for that home; or both homes could be on the same claim if you use the latest date that the second home was hooked up to the well.

PLEASE NOTE: IDWR will recommend the NIA Court decree the claim disallowed if no evidence of the priority date and of the historic use is submitted.

If you no longer own the property to which the claim is appurtenant, please forward this correspondence to the present owner or return it to the Idaho Department of Water Resources (IDWR).

Please submit the required evidence supporting the priority date and the historic use by the date shown above, to my attention. Feel free to contact me if you have any questions. I can be reached at (208) 762-2802 or email at [linda.werner@idwr.idaho.gov](mailto:linda.werner@idwr.idaho.gov).

Sincerely,

Linda A. Werner  
Water Resource Agent

Enclosure: Evidence of Priority Pamphlet  
Copy of Claim 91-7526