

## NOTICE OF LATE CLAIM DIRECTOR'S REPORT

Pursuant to Judge Eric Wildman's *Order Setting Aside Disallowal Of Unclaimed Water Rights; Order Granting Motions To File Late Notice Of Claim; Order For Expedited Late Claim Director's Report And Setting Forth Procedures And Deadlines For Expedited Process* dated May 21, 2014, the Director of the Idaho Department of Water Resources (IDWR) has filed with the Snake River Basin Adjudication (SRBA) District Court the Director's Report of Late Claim for Water Right Nos. 65-02324 and 65-5452, claimed by Monty J. Pearce. Although Basin 65 was closed to non-deferrable claims taking on April 25, 2012, the closure order also disallowed certain unclaimed water rights, including Water Right Nos. 65-02324 and 65-05452. This Late Claim Director's Report (LCDR) contains the Director's recommendation to the SRBA Court as to how your claimed water rights should be decreed in the SRBA.

### ***Why am I getting this mailing?***

You have received this mailing because you filed a late claim in water right nos. 65-02324 and 65-05452 in the SRBA. This mailing contains only the Director's recommendations to the SRBA Court of your claims. Your mailing **does not** contain the Director's recommendations of any claims other than your own. You may wish to review the Director's recommendations of other late claims--if any--in your basin. The Reports are available at the SRBA courthouse in Twin Falls and at the locations listed at the end of this notice. Copies of the report can be made, but you may be charged for copying and mailing. Maps of these reporting areas, as well as other information pertaining to the SRBA can be accessed on the internet.

With the SRBA nearing completion, IDWR currently has no plans for filing future Director's Reports of Late Claims. Should the SRBA Court grant future late claims, Director's Reports on those individual water right claims may be submitted to the SRBA Court on an expedited basis, prior to issuance of the SRBA final decree. You will not receive notice of these future individual Director's Reports as they are filed with the SRBA Court unless you have an ownership interest in the water right claim that is being reported. Therefore, if you are interested in the status of water rights belonging to other people that have not yet been recommended by IDWR, you should check in periodically with the Court's docket sheet or the Court's internet web page located at: <http://www.srba.state.id.us>. Information about subscribing to the Court's docket sheet is provided on page two of this notice.

## INSTRUCTIONS FOR REVIEWING YOUR OWN WATER RIGHT

The descriptions of your rights, which are enclosed, are only the Director's *recommendation* to the SRBA Court on your water right. The Court will decide how it will decree your water rights. You are free to agree or disagree with the Director's recommendations. If you agree with the Director's recommendations you do not need to do anything, pending further notice as described below. If you disagree with the Director's recommendations, you need to file an objection as described below.

## INSTRUCTIONS FOR TAKING A WATER RIGHT CLAIM TO COURT

### ***What do I do if I disagree with a recommendation?***

If you disagree with any element of the recommendations for your water rights or anyone else's water right and want to be heard in court, file an objection with the SRBA Court.

Objections must be made on the standard objection form ("Standard Form 1") available from any IDWR office or from the SRBA Court. You may also download a copy of the objection form from the SRBA web site at: <http://www.srba.state.id.us>.

Your objection must be **received** by the SRBA Court on or before **July 31, 2014**.

***What do I do if someone else objects to my water right recommendation?***

If someone files an objection to your water right, or anyone else's water right, you may file a response to that objection. Responses to objections must be made on the standard response form ("Standard Form 2") available from any IDWR office or from the SRBA Court. You may also download a copy of the response form from the SRBA web site at: <http://www.srba.state.id.us>.

Your response must be **received** by the SRBA Court on or before **August 15, 2014**.

***What do I do if I want to participate in the court case on someone else's water right?***

If you want to be involved in the court case on any water right in the Director's Report, you must file either an objection or a response by the dates listed above.

***What happens if there are no objections to a water right?***

After the deadline for filing objections and responses, IDWR will file a list of all water right recommendations with no objections. The SRBA Court will hear the uncontested recommendations on **August 19, 2014, at 1:30 p.m. (Mountain Time)** at the SRBA courthouse. Partial decrees will be issued following this hearing.

***How will I know about the proceedings on water right recommendations to which objections were filed?***

A notice will be mailed to you for court dates on your water rights or for those where you filed an objection or a response. You will not receive notice of court dates on any other water right recommendations.

Additional information regarding water right claims can be found on the SRBA Court's web site at: <http://www.srba.state.id.us>.

***Note:*** The SRBA Court publishes a monthly Docket Sheet listing all objections and responses filed, as well as when Director's Reports are filed. It does not list court dates for individual water right cases, but provides general information helpful to all participants in the SRBA.

The Docket Sheet is available at your county courthouse and all IDWR offices, or you may subscribe by contacting the SRBA Court or IDWR. The annual subscription fee is \$7.50. The Docket Sheet is also available on the SRBA web site at: <http://www.srba.state.id.us>.

## **IMPORTANT INFORMATION REGARDING GENERAL PROVISIONS**

General provisions are those parts of the SRBA Court's decree that apply to all the water rights in a basin, or to classes of similarly situated water rights within a basin. IDWR recommends to the SRBA Court the general provisions it believes should be decreed in a basin when it files with the Court its Director's Report for the basin. At that time, any party may object to the recommended general provisions.

The Director in his previous Director's Reports for irrigation and other water rights in the basins included in this Director's Report of Late Claims and Miscellaneous Claims, has already recommended the general provisions for the above-listed basins. The objection period for the general provisions in the above-listed basins has expired. Therefore, it is too late for you to object to the general provisions governing your late claims. You may obtain a copy of the General Provisions for your basin from the SRBA District Court in Twin Falls or at the courthouse location nearest to your basin. You may be charged for copying and mailing. You may also view the General Provisions for every basin within the SRBA by going to IDWR's website at: <http://www.idwr.idaho.gov>. It is possible that in the future the SRBA Court will entertain recommendations for additional general provisions. Should that occur, an opportunity to object to those additional general provisions will be provided. It is your responsibility to monitor the SRBA case through the Docket Sheet discussed above.

## **CHANGES OF ADDRESS OR OWNERSHIP DURING THE SRBA COURT CASE**

You must contact your regional IDWR office with your address change or if the ownership of your water right changes. Failure to notify IDWR may result in the loss of your water rights.

## **ADDITIONAL INFORMATION**

If you have questions about the SRBA, public information brochures are available at any IDWR office. Maps and aerial photography of this reporting area, as well as assistance in using the maps and the photography, are available at the IDWR Regional office nearest to the location of your water right. You are also welcome to call IDWR at any of its offices or the SRBA Court. You may also want to consider contacting an attorney to assist you.

### **Snake River Basin Adjudication District Court**

253 Third Avenue North  
P.O. Box 2707  
Twin Falls, Idaho 83303-2707  
(208) 736-3011  
<http://www.srba.state.id.us>

### **Idaho Department of Water Resources**

322 East Front Street  
P.O. Box 83720  
Boise, Idaho 83720-0098  
(208) 287-4809  
(800) 451-4129  
<http://www.idwr.idaho.gov>

### **Idaho Department of Water Resources Western Region**

2735 Airport Way  
Boise, Idaho 83705-5082  
(208) 334-2190

### **Idaho Department of Water Resources Northern Region**

7600 N. Mineral Drive, Suite 100  
Coeur d'Alene, Idaho 83815  
(208) 762-2800

**Idaho Department of Water Resources**

***Southern Region***

650 Addison Avenue West, Suite 500  
Twin Falls, Idaho 83301-3380  
(208) 736-3033

**Payette County Courthouse**

1130 3<sup>rd</sup> Avenue North  
Room 104  
Payette, ID 83661

**Idaho Department of Water Resources**

***Eastern Region***

900 North Skyline, Suite A  
Idaho Falls, Idaho 83402  
(208) 525-7161

## DEFINITIONS OF THE ELEMENTS OF YOUR WATER RIGHT

**RIGHT NUMBER:** Your water right is identified by a number assigned by IDWR. The first two digits identify IDWR's administrative basin number; for example, 29, 43, or 72.

**NAME AND ADDRESS:** Your name and address should appear here. IDWR will use the most recent name and address in its records for the water right.

**SOURCE:** The name and/or type of the source where you divert your water. For example: "*groundwater*," "*unnamed spring*," or "*Common Creek*."

**QUANTITY:** The amount of water recommended in either cubic feet per second (cfs) and/or the volume of water in acre feet per year (AFY).

**PRIORITY DATE:** The date used to determine the priority of your right in relation to other rights using water from the same source.

**POINT OF DIVERSION:** The legal location where you divert water from its source; generally described as 1/4 1/4 sections down to a 40-acre tract, or smaller. Other legal descriptions that might be used are government lots, block, subdivision, parcel numbers, townsite names, mining claim information, homestead entry surveys, or other survey information.

**PURPOSE OF USE:** The general category of the type of use you can make of your water. Typical purposes of use include irrigation, domestic, or stock watering.

**PERIOD OF USE:** The period of time during the year when you can use the water for your right.

**PLACE OF USE:** The legal location where you use your water right; generally described as 1/4 1/4 sections down to a 40-acre tract. Other legal descriptions that might be used are government lots, block, subdivision, parcel numbers, townsite names, mining claim information, homestead entry surveys, or other survey information.

**PLACE OF USE FOR IRRIGATION PROJECTS:** Pursuant to Idaho Code Sections 42-219(2) and 42-1411(2)(h). IDWR has included GIS mapping for describing the place of use (digital boundary) for water rights meeting certain criteria (i.e. irrigation projects). The **PLACE OF USE** for irrigation projects is reported in digital format and uses GIS technology to particularly identify and display a geographic area encompassing the place of use with the aid of a computer. The GIS data is stored in digital format and contained on a CD-ROM and is properly marked for identification with the water right number. The CD-ROM will be retained by the SRBA Court. IDWR also retains a duplicate of the original CD-ROM. The electronic data contained on the CD-ROM is available for public use and is also accessible through the IDWR internet website (<http://www.idwr.idaho.gov>). *Upon request, IDWR will provide a copy of the CD-ROM with the electronic data to claimants.*

**BASIS OF CLAIM:** The method that was used to establish your claim. Examples include prior decree, posted notice, beneficial use (historical) method, license, or permit.

**DUAL BASED CLAIMS:** In some cases, the federal government has claimed one right under two theories: a state basis and a federal law basis. Both theories will be reported on one form for that single water right. In most cases, the priority dates are different and will be listed separately. The federal law basis is separately indicated by a remark under the priority date that reads:

\*4/17/1926 CLAIMED UNDER FEDERAL RESERVED WATER RIGHT\*  
THIS WATER RIGHT IS ALSO CLAIMED BASED ON FEDERAL LAW WITH AN APRIL 17, 1926,  
DATE OF PRIORITY PURSUANT TO AN EXECUTIVE ORDER SIGNED THE SAME DATE AND  
KNOWN AS PUBLIC WATER RESERVE 107.

IDWR does not investigate or make recommendations regarding federal law based claims.