

**IN RE THE GENERAL ADJUDICATION OF)
RIGHTS TO THE USE OF WATER FROM)
THE COEUR D'ALENE-SPOKANE RIVER)
BASIN WATER SYSTEM)
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**SECOND ROUND SERVICE OF
COMMENCEMENT NOTICE —
92-7190**

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- an **APPROPRIATION PERMIT** if proof of beneficial use was filed before November 12, 2008 (based upon a permit issued by IDWR, formerly known as the Idaho Department of Water Administration, the Idaho Department of Reclamation, and the State Engineer's Office); or
- a **FEDERAL LAW** (generally reserved rights claimed by the federal government, by or on behalf of the Indian Tribes, or by subsequent owners of former federal reserved lands).

WHO DOES NOT NEED TO FILE A NOTICE OF CLAIM WITH IDWR?

- **Small Domestic and Stockwater users:** A Notice of Claim may be, but is not required to be, filed at this time for water rights used solely for small Domestic and/or Stockwater purposes (D&S), as those terms are defined by Idaho Code § 42-1401A (4) & (11). However, even if you have a D&S water right, it might be to your advantage to file a claim on this water right in this adjudication for a number of reasons. First, you will be required to have the water right adjudicated before the water right can be distributed by a watermaster or before an application for change of the water right may be filed with IDWR. Furthermore, while the filing fee for a Notice of Claim with IDWR for a D&S water right is currently \$25, the costs of filing a motion with the district court at a later date to have the water right adjudicated will be considerably higher. Before deciding not to file a Notice of Claim for small D&S claims you should be certain that your water use qualifies for the special procedure.
- **Permits for which Proof of Beneficial Use was filed after November 12, 2008:** A Notice of Claim may be, but is not required to be, filed for permits for which proof of beneficial use was filed after November 12, 2008. The director of IDWR may at a later date require holders of such permits to file a Notice of Claim. If the director does issue such an order, the permit holder will be notified by mail.
- **Fire-Fighting and In-Stream Livestock:** A Notice of Claim may be, but is not required to be, filed for water rights arising under Idaho state law that are used solely for fire-fighting purposes or solely for in-stream livestock use as defined by Idaho Code § 42-113.
- **Water user who is not the owner of the water right:** A person using water from the Coeur d'Alene-Spokane River Basin water system is not required to file a Notice of Claim if the water user is not the owner of the water right, but the water user should make sure that the owner has filed a Notice of Claim. For example, a water user need not file a Notice of Claim where the water user receives water solely by virtue of ownership of shares of stock in a water delivery organization, or solely by virtue of being located within the boundaries of a water user organization if the water delivery organization holds legal title to the water right and if the water delivery organization has filed a Notice of Claim. Examples of water delivery organizations include cities, water utility companies, water and sewer districts, and irrigation districts, among others.

WHAT WATER SOURCES ARE INCLUDED IN THE COEUR D'ALENE-SPOKANE RIVER BASIN ADJUDICATION AND WHAT ARE THE BOUNDARIES?

A Notice of Claim must be filed for water from any water source, including streams, springs, lakes, ground water, developed water, wastewater, or any other source for any purpose within the boundaries of the Coeur d'Alene-Spokane River Basin water system in Idaho. A map showing the boundaries of the water system is included at the end of this notice.

WHAT ARE THE FEES AND DEADLINES FOR FILING A NOTICE OF CLAIM?

Idaho Code § 42-1414 requires each person who files a Notice of Claim, except those exempted by law, to pay a filing fee. Failure to pay the fee will result in rejection of the Notice of Claim.

The deadline for filing Notices of Claims to water rights is **December 19, 2014**. Late-filed Notices of Claims will be accepted prior to filing the director's report with the court, but failure to file a Notice of Claim

by the deadline may result in assessment of a late fee of \$50.00 or 15% of the original filing fee, whichever is greater.

A late fee may also apply if you were previously served with a Commencement Notice and did not file your claim by the deadline set forth in the previous notice.

NOTICE OF CLAIM FORMS AND INSTRUCTIONS

Notices of Claims must be filed on forms prepared by IDWR or a reasonable facsimile. When filing at an IDWR office, bring a legal description of the property with Township, Section, Range and ¼, ¼. The lot and block numbers are not sufficient. Claimants should always call the nearest regional office to make an appointment if desiring assistance to fill out a Notice of Claim. The Notice of Claim forms and instructions for completing and filing the forms are available on IDWR's website at www.idwr.idaho.gov or at the following locations:

1. IDWR, Northern Region, 7600 Mineral Dr., Suite 100, Coeur d'Alene ID 83815, Phone (208) 762-2800;
2. IDWR, Western Region, 2735 Airport Way, Boise, ID 83705, Phone (208) 334-2190;
3. IDWR, Southern Region, 1341 Fillmore St., Suite 200, Twin Falls ID 83301, Phone (208) 736-3033;
4. IDWR, Eastern Region, 900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402, Phone (208) 525-7161;
5. IDWR, State Office, 322 East Front Street, P.O. Box 83720, Boise ID 83720-0098, Phone (208) 287-4800, or toll free **1-800-451-4129**.

NOTICE TO IDWR OF CHANGE IN OWNERSHIP OR ADDRESS

Idaho Code § 42-1409(6) requires all purchasers of a water right to inquire of IDWR whether a Notice of Claim has been filed. If not, the purchaser must file any required Notice of Claim, as described above. If a Notice of Claim has been filed, the purchaser must file with IDWR a written notice of the change in ownership along with some evidence of ownership. A purchaser includes any person acquiring a water right from another water user, whether it is acquired by purchase, gift, inheritance, or any other means. Idaho Code § 42-1409(6) requires all persons who have filed a Notice of Claim to file a written notice of change in address with IDWR.

FURTHER INFORMATION

The files of the district court for Benewah, Latah, Clearwater and Shoshone Counties will contain affidavits and other documents listing the persons served with copies of this notice. Assistance in filing Notices of Claims may be obtained at all offices of IDWR, which are listed above.

If you want information about Notices of Claims filed in this adjudication, which are filed with IDWR, you may inquire at any office of IDWR. If you want information concerning other documents filed in this adjudication, which are filed with the court, you may obtain a copy of the docket sheet from any office of IDWR or the Coeur d'Alene-Spokane River Basin Adjudication district court website at www.srba.state.id.us/csrba1.htm. The docket sheet will be prepared each month and will reflect the court's schedule for the following three months. You can get a copy of a docket sheet for the cost of mailing and/or copying, or you can get a subscription to receive the docket sheet each month. The cost of the subscription is \$7.50 per year. The docket sheet will also be filed with the district court clerk for every county within the boundaries of the Coeur d'Alene-Spokane River Basin water system in Idaho.

Gary Spackman, Director, Idaho Department of Water Resources

Northern Idaho Adjudication

Coeur d'Alene - Spokane River Basin Water System

