

06/12/2014

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: September 12, 2014

Water right number: 92-7043

POTLATCH LAND & LUMBER LLC

601 W 1ST AVE STE 1600

SPOKANE WA 99201

Telephone Number: (509) 835-1500

RECEIVED

SEP 15 2014

IDWR/NORTHERN

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

See Attachment A

2. Describe the changes you wish to make in the proposed recommendation:

See Attachment A

3. Give a brief explanation as to why you disagree with these portions:

See Attachment A

I AGREE with this proposed recommendation: no changes need to be made.

DATE:

9/10/14

SIGNATURE:

Grant Steigens

Please print your name:

Grant Steigens

IDWR Regional Office, 7600 Mineral Drive, Suite 100, Coeur D' Alene, ID 83815, (208) 762-2800

Attachment B attached hereto is a copy of IDWR's Preliminary Recommendation.

Attachment A
Claim No. 92-7043
Notice of Error Reply

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

The claimant disagrees with the following in the Preliminary Recommendation:

- a. the “10.20 AFY” limitation listed under the quantity and purpose of use elements; and,
- b. the “Industrial use is for dust abatement in log yard” remark under purpose of use.

2. Describe the changes you wish to make in the proposed recommendation:

- a. The “10.20 AFY” limitations should be removed.
- b. The “Industrial use is for dust abatement in log yard” remark should be removed and no further description of the Industrial use should be included.

3. Give a brief explanation as to why you disagree with these portions:

- a. The “10.20 AFY” limitation in the license was in error. According to documentation in the IDWR backfile, the 10.2 figure was based on (i) a diversion rate of 0.56 cfs (the licensed amount), and (ii) diversions for 2 hours per day, 5 days per week, for 22 weeks (6/1 to 10/30 period of use). It is not clear from IDWR’s files where the 2 hours per day or 5 day per week assumptions originated. The 6/1 and 10/30 dates used to calculate the 22 week assumption is clearly wrong—the license authorizes use from 6/1 to 11/30, which is 26 weeks.
- b. Although the “Industrial use is for dust abatement in log yard” remark was included in the original license, it fails to describe all of the various Industrial uses, such as washing equipment, to which the right actually was put to beneficial use prior to January 1, 2006 (the date by which changes to rights may be recognized as “accomplished transfers” under I.C. 42-1425). No further description of Industrial use element should be included.

Claimant reserves the right to object to any elements set forth in IDWR’s Director’s Report Recommendation for this claim notwithstanding whether such objection is raised in this Notice of Error Reply.

Attachment B

06/12/2014

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 92-7043
NAME AND ADDRESS: POTLATCH LAND & LUMBER LLC
601 W 1ST AVE STE 1600
SPOKANE WA 99201
SOURCE: WEST FORK ST MARIES RIVER TRIBUTARY: ST MARIES RIVER
QUANTITY: 0.560 CFS
10.20 AFY
PRIORITY DATE: 06/28/1978
POINT OF DIVERSION:
T42N R02E S7 NWNE Within SHOSHONE County
PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
INDUSTRIAL	06/01 12/30	0.560 CFS 10.20 AFY
Industrial use is for dust abatement in log yard.		

PLACE OF USE: INDUSTRIAL in SHOSHONE County
T42N R02E S07 NWNE T42N R02E S07 NENW
T42N R02E S07 SENW

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License
Parcel No. RP42N02E071000