

06/17/2014

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: 92-10876

POTLATCH TRS IDAHO LLC

601 W 1ST AVE

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:

Brant Steigers

Please print your name:

Brant Steigers

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. 92-10876
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 “7.00 AFY” limitations listed under the quantity and purpose of use elements;
- b. the description of Storage as only “Industrial Storage”; and
- c. the remarks under the purpose of use element stating “Water shall not be diverted for fire protection use under this right except to fight or repel an existing fire,” and “Industrial use is for forest practices and forest dust abatement as provided for by Section 42-201, Idaho Code.”

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

- a. The “7.00 AFY” limitations should be removed if it describes the amount of water authorized to be diverted to storage each year. If “7.00 AFY” describes the capacity of the Storage impoundments (which was the intent of the claims) a remark should be added to make that clarification and to allow for multiple fills of the impoundment each year.
- b. Storage should not be limited to “Industrial Storage” only, but should also include Fire Protection storage.
- c. The “Water shall not be diverted for fire protection use under this right except to fight or repel an existing fire,” and “Industrial use is for forest practices and forest dust abatement as provided for by Section 42-201, Idaho Code” remarks should be removed and no further description of the Industrial and Storage uses should be included.

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

- a. The claimant did not intend to limit diversions to Storage to 7.0 acre-feet each year. Rather, claimant intended to claim Storage in impoundments with a total capacity of 7.0 acre-feet, which are filled multiple times each year.
- b. The Storage impoundments are used for Fire Protection purposes in addition to Industrial purposes. Arguably the “Industrial Storage” description does not include Fire Protection.

- c. The remark “Water shall not be diverted for fire protection use under this right except to fight or repel an existing fire” is not consistent with the claimed uses, which include storage for Fire Protection purposes. The remark “Industrial use is for forest practices and forest dust abatement as provided for by Section 42-201, Idaho Code” is not consistent with the claimed uses, which relate to an industrial milling facility and not to forest practices or forest dust abatement.

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

06/17/2014

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

RIGHT NUMBER: 92-10876
NAME AND ADDRESS: POTLATCH TRS IDAHO LLC
601 W 1ST AVE
SPOKANE WA 99201
SOURCE: ST JOE RIVER
QUANTITY: 5.350 CFS
7.00 AFY
PRIORITY DATE: 12/01/1964
POINT OF DIVERSION:
T46N R02W S16 SESE Lot 7 Within BENEWAH County
T46N R02W S22 NWNW Within BENEWAH County
PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
INDUSTRIAL	01/01 12/31	5.350 CFS
INDUSTRIAL STORAGE	01/01 12/31	7.00 AFY

Water shall not be diverted for fire protection use under this right except to fight or repel an existing fire.

Industrial use is for forest practices and forest dust abatement as provided for by Section 42-201, Idaho Code.

PLACE OF USE: INDUSTRIAL in BENEWAH County
T46N R02W S16 Lot 7 SESE
T46N R02W S21 SENE
T46N R02W S22 SWNW
INDUSTRIAL STORAGE in BENEWAH County
T46N R02W S21 NENE
T46N R02W S21 SENE

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 - Beneficial Use
Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.
Parcel No(s). RP46N02W169003A, RP46N02W210500A,
RPA00600100011A, RPA00600600070A