

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: 92-10881

POTLATCH FOREST HOLDINGS INC
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 Steigery

Please print your name:

Brant Steigery

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. 92-10881
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 place of use legal description is incomplete.
- b. the following remarks under the purpose of use element: “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 place of use legal description should include all of the same lands as in the Preliminary Recommendation for claim no. 92-10879.
- b. 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 Fire Protection uses should be included.

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

- a. The place of use that was claimed for 92-10881 is the same as for 92-10879.
- b. The “Water shall not be diverted for fire protection use under this right except to fight or repel an existing fire” remark is not consistent with the claimed uses, which include diversions of water into tanker trucks for Fire Protection purposes. The “Industrial use is for forest practices and forest dust abatement as provided for by Section 42-201, Idaho Code” remark is not consistent with the claimed uses, which are not limited to, and are not clearly within the definitions of, the forest practices and forest dust abatement uses described in Section 42-201.

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.

06/17/2014

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

RIGHT NUMBER: 92-10881

NAME AND ADDRESS: POTLATCH FOREST HOLDINGS INC
601 W 1ST AVE
SPOKANE WA 99201

SOURCE: ASHENFELTER CREEK

TRIBUTARY: MERRY CREEK

QUANTITY: 0.200 CFS

PRIORITY DATE: 09/09/1970

POINT OF DIVERSION:
T43N R02E S28 NESE Within SHOSHONE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
INDUSTRIAL	05/01 11/30	0.200 CFS
FIRE PROTECTION	05/01 11/30	0.200 CFS

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 SHOSHONE County

T43N R02E S22	SWSW	T43N R02E S22	SESW
T43N R02E S27	NENW	T43N R02E S27	NWNW
T43N R02E S27	SWNW	T43N R02E S27	SENW
T43N R02E S27	NESW	T43N R02E S27	NWSW
T43N R02E S27	SWSW	T43N R02E S27	SESW
T43N R02E S27	NWSE	T43N R02E S27	SWSE
T43N R02E S28	NENE	T43N R02E S28	NWNE
T43N R02E S28	SWNE	T43N R02E S28	SENE
T43N R02E S28	NENW	T43N R02E S28	SENW
T43N R02E S28	NESW	T43N R02E S28	NESE
T43N R02E S28	NWSE	T43N R02E S28	SESE
T43N R02E S33	NENE	T43N R02E S34	NWNE
T43N R02E S34	NENW	T43N R02E S34	NWNW

FIRE PROTECTION in SHOSHONE County

T43N R02E S22	SWSW	T43N R02E S22	SESW
T43N R02E S27	NENW	T43N R02E S27	NWNW
T43N R02E S27	SWNW	T43N R02E S27	SENW
T43N R02E S27	NESW	T43N R02E S27	NWSW
T43N R02E S27	SWSW	T43N R02E S27	SESW
T43N R02E S27	NWSE	T43N R02E S27	SWSE
T43N R02E S28	NENE	T43N R02E S28	NWNE
T43N R02E S28	SWNE	T43N R02E S28	SENE
T43N R02E S28	NENW	T43N R02E S28	SENW
T43N R02E S28	NESW	T43N R02E S28	NESE
T43N R02E S28	NWSE	T43N R02E S28	SESE
T43N R02E S33	NENE	T43N R02E S34	NWNE
T43N R02E S34	NENW	T43N R02E S34	NWNW

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

Parcel No. at Point of Diversion is RP43N02E280200

Parcel Nos. at Place of Use are RP43N02E280200, RP43N02E270200 and RP43N02E340200