



State of Idaho

DEPARTMENT OF WATER RESOURCES

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C.L. "BUTCH" OTTER
Governor

CARY SPACKMAN
Director

September 2, 2014

NORMAN C ODEKIRK REVOCABLE TRUST
436 ODEKIRK ROAD
SAINT MARIES, ID 83861

RE: Coeur d'Alene-Spokane River Basin Adjudication (CSRBA) claims:
95-15365, 95-15366, 95-15367, & 95-15387

Dear Mr. Odekirk,

The Idaho Department of Water Resources has begun its review of claims filed in the Coeur d'Alene-Spokane River Basin Adjudication (CSRBA). During the initial review of the 4 claims identified above, I ran into some items that need to be addressed before we can move forward and make a recommendation. I tried to contact you by phone at (208)345-3059, but I keep getting a message that it has been disconnected. I am sorry to send you all this information without speaking with you first as I know this is going to look overwhelming. After you review the information packet I am sending, please don't hesitate to call me to talk it through.

I have a fair amount of information to cover in this letter so I will address each claim individually in its own section below:

95-15365 (House Spring):

- 1) Please Verify Spring Location
 - I have enclosed a map of what I interpreted as the place of use and the point of diversion (location of the spring). Please identify/verify the location of the spring that supplies the domestic water to the house on the enclosed map. You can just draw it in with a pen and send me the map back. This will ensure that I describe the water right accurately in my recommendation.
 - For your convenience, I have enclosed a copy of the original claim as well.

95-15366 (Upper Stock Pond Spring):

- 1) Amended claim needed: I think you might want to amend the claim to include **Stockwater Storage** as a purpose of use
 - The original claim you submitted (copy enclosed) claims Stockwater as a purpose of use. This describes the use when the stock drink out of the pond.
 - If we are describing the source as a spring (vs. and unnamed pond), we are saying that the pond is the result of someone digging it sometime in the past. Meaning it isn't a naturally occurring pond. The digging of the pond to capture and store the spring water creates a

beneficial use of *storing* the water. Therefore, it seems like this claim might be better described with a **Stockwater** and **Stockwater Storage** uses.

- I have enclosed an amended claim for your review. I have highlighted changes in yellow. Please look it over and initial any changes you wish to make. When satisfied, sign the claim and return it to me at your earliest convenience.
- 2) What is the average dept of the pond, or how deep is the deepest point in the pond?
- If you are going to add a Storage component to your claim, we need to know how much water is stored in the pond. I calculated the surface area of the pond to be 0.3 acres. With either a maximum or average depth, I can calculate a pond volume.
 - NOTE: on the attached amended claim I put 2 acre-feet (AF), but that is just a place holder until we can calculate a volume based on depth. If you do know the volume of the pond, cross out the 2 AF and write in what the volume is on the claim.
- 3) Place of use question
- On the enclosed map, you will see that the pond actually crosses over the quarter section line into the SWSE of Section 15. Taxlot data indicates that this property is owned by *Titus Logging, INC.* Because there is only a sliver that crosses over and because the property is owned by someone other than yourself, I wasn't going to include the SWSE of Section 15 as part of the place of use for this water right. You didn't claim it was, but I am bringing it up because the map is going to look a little weird with a sliver of the pond cut off. I just wanted to explain this and leave it open for discussion if you feel differently.
- 4) Please confirm that the "spring" claimed does rise from within the pond. If it doesn't, please identify the spring location on the enclosed map and call me before submitting the amended claim.

95-15367 (Irrigation and Domestic use):

- 1) Please submit **Evidence of Priority**.
- Unlike your other claims, claim 95-15367 claims a non-deferrable use (Irrigation of 2 acres). The original claim you filed claims a priority date of 3/21/1914. This means you are claiming the spring water has been used to irrigate 2 acres since 1914. In order to recommend the irrigation portion of the claim, you will need to provide evidence of when water was first put to use for irrigation of 2 acres. On the claim you indicate that the priority date is based on the original homestead claims. The notes indicate that Amada Young acquired title from the U.S. Patent office on March. A copy of this homestead entry document would be great evidence of priority. If you do have a copy of that documentation, please send a copy in with the other requested information.
 - If you don't have that documentation available, please submit anything that could support irrigation of more than ½ acre occurring prior to May 20, 1971. Even if we can't support a 1914 priority date, maybe we can support a later date.
 - If I do not receive evidence of priority, I will still be able to recommend the right for domestic use which will allow for up to ½ acre of irrigation between the two domestic claims you filed.
- 2) I would recommend submitting an amended claim that more clearly describes what you are claiming.

- The original claim you filed (enclosed) appears to claim domestic use and irrigation for 2 acres supplied by two springs. But the way it is written up could be misinterpreted. For your convenience, I am enclosing an updated amended claim. I have highlighted changes and additions in yellow. Please review the claim and initial any changes you wish to make. When satisfied, sign the claim and return it to me at your earliest convenience.
- 3) Please identify the two spring locations on the attached map and/or include GPS coordinates
 - I have attached a couple of maps to the enclosed amended claim that you can draw on and return.
 - 4) Please clearly outline and identify the 2 acres that are irrigated with the spring water.
 - I have attached a couple of maps to the enclosed amended claim that you can draw on and return.

95-15387 (Lower Stock Pond Spring):

- 1) Is the spring source within the pond or is it outside the pond and then diverted to the pond for storage?
 - My initial thought was that this claim was for a pond where the spring is located within the pond, similar to the Upper Stock Pond. However, when I use the GPS coordinates on the claim to pinpoint the spring location, it places the spring about 100 feet from the pond. This could be due to a variety of reasons. But my first question with this claim is where is the spring source located? Please pinpoint it on the map attached to the enclosed amended claim for 95-15387.
- 2) The second question is tied to the first. Is there only one spring?
 - I wasn't sure if you intended to identify a spring within the pond, and one outside of the pond.
 - On the amended claim, I described 2 points of diversions (springs). If there is only 1, and can drop one of the springs in my recommendation.
- 3) Similar to 95-15366, you might want to amend the claim to include **Stockwater Storage**. If you do, then I will need to know the average dept of the pond, or how deep is the deepest point in the pond?
 - I have calculated the surface area of the pond as 0.1 acres. Again, the volume on the amended claim is a place holder until I know the depth of the pond and can recalculate. If you know the volume of the pond, please cross out what I entered and write it in.
- 4) Finally, if the spring feeding the pond is located outside of the pond, then we will need to add a **Diversion to Storage** component to your claim.
 - I have prepared an amended claim that includes the following uses:
 - Stockwater
 - Stockwater Storage
 - Diversion to Storage
 - How you answer question 1 will dictate if we keep the **Diversion to storage**. I can always drop that use when I prepare a recommendation, but I can't add it if you didn't claim it. So I put it on the amended claim for now.

- Review the amended claim and initial any changes you wish to make. When satisfied, sign the claim and return it to me with the maps where you have identified the spring(s) locations.

I know that is a lot of information to digest. But I think it is worth the time it takes to get these questions answered so the recommendations made to the court accurately represent your water use.

Please give me a call me at **208.287.4916** with questions or even if you just want me to go through the packet of information I sent you. I am located in the Boise office, but if you are in the area I would be happy to meet with you, or you could always schedule a meeting in our Coeur d'Alene office to get some help.

Respectfully,



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