

December 4, 2014

Linda Werner
Northern Regional Office
Idaho Department of Water Resources
7600 North Mineral Drive, Suite 100
Coeur d'Alene, Idaho 83815

RECEIVED

DEC - 9 2014

IDWR/NORTHERN

Subject: Request to amend water right claim 91-7669

Dear Ms. Werner:

I am requesting an amendment to the water right claim 91-7669. Please give consideration to the recording of an earlier claimant date prior to 1971. As the legal representative (see enclosed Court documents) of my deceased mother (Janice Miller), I wish to amend the information we provided when we submitted (see enclosed copy of initial application) the water right claim to our property: #RP45N05E151400A.

The aforementioned parcel was purchased by my grandfather (Chester Hutchinson) in 1930 and deeded to my mother in May, 1965. Throughout my mother's childhood and also my childhood (1930 to present) family members have routinely visited Avery, slept overnight in the cabin and drawn water from Kelley Creek and the St. Joe River.

Accordingly, as Executor of my mother's estate I hereby certify that our family has utilized surface water at our property/Right 91-7669 prior to 1971.

Name: Susanne Marten

Signature: [Handwritten Signature]

Date: 12/4/14

09/08/2014

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: November 21, 2014

Water right number: 91-7669

JANICE MILLER
5435 S BELL ST
TACOMA WA 98408
Telephone Number: (253) 474-6053

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

Claimant date is/should be prior to 1971.

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

see attached Certification

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

see attached Certification

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

DATE: _____ SIGNATURE: _____

Please print your name: _____

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

09/08/2014

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

09/08/2014

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

RIGHT NUMBER: 91-7669
NAME AND ADDRESS: JANICE MILLER
5435 S BELL ST
TACOMA WA 98408

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

No lawful appropriation shown.

EXPLANATORY MATERIAL: BASIS OF CLAIM -

No lawful appropriation shown: There are a number of circumstances in which a claim is proposed to be disallowed on this basis. This is most commonly included for a claim based on beneficial use or posted notice that is proposed to be disallowed because the right claimed is not within an exception to the mandatory permit statute, and beneficial use of water prior to the mandatory permit statute was not confirmed. This is also included where a claim is proposed to be disallowed because the claim is to water that is not public water subject to appropriation. This is also included where a right was determined not to exist in a prior adjudication.