



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region • 7600 N. Mineral Drive, Suite 100 • Coeur d'Alene, Idaho 83815-7763

Phone: (208) 762-2800 • Fax: (208) 762-2819 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

March 30, 2015

ROBERT BERNTSEN
3100 DEER HAVEN
WANSHIP UT 84017

SUBJECT: Location of Point(s) of Diversion and Place of Use, Evidence of Priority

Dear Mr. Berntsen:

In regard to our phone conversation today; enclosed is a map of your property. Please show where the points of diversion for the spring(s) and Bear Creek are located as well as where the irrigation and stockwater usage occurs.

I appreciate you returning this information with the affidavit of evidence of priority as soon as possible.

Sincerely,

Linda A. Werner
Water Resource Agent, Sr.

(208) 762-2802
Email: linda.werner@idwr.idaho.gov

Enclosure: Map



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C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
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March 9, 2015

ROBERT OR SHERRI BERNTSEN
3100 DEER HAVEN
WANSHIP UT 84017

RE: Coeur d'Alene-Spokane River Basin Adjudication (CSRBA) Notice of Claim Number 94-8848

RESPONSE DEADLINE
DATE: APRIL 10, 2015

Dear Mr. or Ms. Berntsen:

The Notice of Claim to a Water Right (claim) identified with the number shown above has been filed in the Coeur D'Alene-Spokane River Basin Adjudication. The claim indicates your water usage is based on "Beneficial Use". Water rights of this type are established by the historic use of water, dating back to when water was first used for the purpose claimed, and are termed beneficial use rights. The date of first use, known as the priority date, has not been confirmed by a License, Decree or Permit. Since the priority date and historic use of a beneficial use right cannot be confirmed by field examination, proof must be provided by the claimant supporting the priority date claimed and the historic use of the water.

Enclosed you will find the pamphlet entitled "Evidence of Priority". The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement. The evidence should support the first usage date for the irrigation usage. **Please note:** The Homestead Certificate you supplied in May, 2012 verifies that the land was granted to the landowner in May of 1913 and would support a domestic and/or stock water usage but it does not verify that the land was irrigated from that date.

Please contact me to make arrangements to amend your claim and/or prepare a water right permit application. IDWR will not be able to recommend that the CSRBA Court issue a decreed water right for your water use in the claim's current form. I can be reached at (208) 762-2802 or by email at linda.werner@idwr.idaho.gov.

Sincerely,

Linda A. Werner
Water Resource Agent, Sr.

Enclosure: Evidence of Priority Pamphlet
Copy of Notice of Claim to a Water Right Number 94-8848