

From: Saxton, Craig
To: ["mindebeehner@frontier.com"](mailto:mindebeehner@frontier.com)
Subject: RE: CSRBA Recommendations 94-8753 and 94-8754
Date: Wednesday, August 26, 2015 7:59:00 AM
Attachments: [94-8754_REC_Irrigation.pdf](#)
[94-8753 wrAdjudicationClaimProofReport.pdf](#)
[98-7854_Amended_Prelim_Rec_\(8-26-15\).pdf](#)
[Processes Request to Withdraw 94-8753 & Receipt.pdf](#)

Hey Minde,

I received your packet of paperwork and went ahead and made the changes as we discussed. I have attached:

- An updated recommendation for 94-8754. This is what I will send to the court in December
- A map showing the place of use and point of diversion for recommendation 94-8754.
- A copy of the processed request to withdraw 94-8753 along with a receipt for the \$1 filing fee you paid
- A copy of the report for 94-8753 showing it was withdrawn

If all looks good, then we are done!

You will get a mailing this winter called the Director's Report which makes the recommendation public and opens up an objection period. You will get instructions on how to object to your recommendation or your neighbors if you wish to do so.

If no one objects, then the Judge will issue an order decreeing your right.

Let me know if you have questions. Thanks for working through this with me. Going through this mess will be to your benefit in the long run.

Take care,

Craig

From: mindebeehner@frontier.com [mailto:mindebeehner@frontier.com]
Sent: Thursday, August 20, 2015 1:00 PM
To: Saxton, Craig
Subject: Re: CSRBA Recommendations 94-8753 and 94-8754

Everything was dropped in the mail today. Thanks again for the help.

Minde

From: "Saxton, Craig" <Craig.Saxton@idwr.idaho.gov>
To: ["mindebeehner@frontier.com"](mailto:mindebeehner@frontier.com) <mindebeehner@frontier.com>
Sent: Wednesday, August 19, 2015 2:14 PM
Subject: RE: CSRBA Recommendations 94-8753 and 94-8754

That sounds great. You got everything covered.

You will want to write the claim number 94-8754 on the first line in the upper right hand corner. I am not sure why they want the county in there but it wouldn't hurt to write that in there too.

Thanks.

Craig

From: mindebeehner@frontier.com [<mailto:mindebeehner@frontier.com>]
Sent: Wednesday, August 19, 2015 3:10 PM
To: Saxton, Craig
Subject: Re: CSRBA Recommendations 94-8753 and 94-8754

Craig,

If the attached affidavit looks ok to you let us know. We will get it notarized and send everything back to you. Do we need to fill anything in on the upper left corner?

Thanks
Minde

From: "Saxton, Craig" <Craig.Saxton@idwr.idaho.gov>
To: "mindebeehner@frontier.com" <mindebeehner@frontier.com>
Sent: Tuesday, August 18, 2015 11:50 AM
Subject: RE: CSRBA Recommendations 94-8753 and 94-8754

Minde,

Thanks for getting back to me. That makes more sense.

Ok. In our meeting, I proposed several steps to clean up the records to accurately reflect your water use. All these changes are the result of the fact that you irrigate more than ½ acre. It seems like you told me you might be irrigating some ground that isn't necessarily yours and you won't be doing it forever. If this is true, and you will not exceed ½ acre of irrigation, then we don't need to do any of this. I have attached a map to help show how the irrigated acreage.

With that said, when I draw the irrigated boundary, it appears you currently irrigate 0.70 acres (see attached map). Therefore, here are the things we need to do:

- 1) Withdraw claim 94-8753. You don't need it and it doesn't represent a valid water use. We can try to apply the filing fees already paid toward amendment of 94-8754.

- 2) Amend 94-8754 to change the claimed purpose of use from Domestic to Irrigation of 0.7 acres. We only need to do this if you are irrigating over ½ acre...which it appears you are, but not by much.

I changed the diversion rate for the irrigation use to 0.02 cfs. This is the maximum amount of water I can recommend for irrigating 0.7 acres. Since the irrigated ground is under 5 acres, I can recommend up to 0.03 cfs per acre: $(0.7 \text{ ac})(0.03 \text{ cfs}) = 0.02 \text{ cfs}$.

- 3) Pay the remaining filing fee of \$1 for the amended claim: Assuming the request to transfer fees paid under 94-8753 to additional fees associated with the amendment of 94-8754 is approved (*there should be no issues*), there will still be \$1 in unpaid fees. You can just submit a check for \$1 (sorry) with the amended claim.

- 4) **Submit Affidavit supporting priority date of 5/1/1969 for irrigation use.** I bolded and underlined this because this is a step that is often overlooked but is critical. I cannot recommend irrigation use that exceeds the domestic limit of ½ acre without an affidavit or some form of evidence supporting that the water was used to irrigate 0.7 acres of your land starting back in 1969.

I have attached the following items:

- 1) Amended claim 94-8754: Look over the claim and make any changes you feel necessary. When satisfied, sign the claim and mail the original back to me.
- 2) Withdrawal of Claim Request: Read this over and make sure that you understand and agree with what it says. Feel free to change, add, or delete anything you want. When you submit this, claim 94-8753 will no longer have any force or effect. You won't be able to change your mind later and object to the withdrawal of the claim because the act of withdrawing the claim, removes it from the adjudication process (court case). So if you have questions about this, then let me know.
- 3) A map showing the place of use for the claimed irrigation uses. I was liberal with the irrigated ground. We can certainly cut back. I just included what it appears you have applied water to. Take a look and if you want to change the irrigation boundary, let me know before you mail the amended claim back. If you cut the irrigation back to 0.5 acres or less, then we don't need to go through all this.
- 4) A blank Affidavit form. You do not have to use this form. You can type something out and sign it. And it doesn't have to be notarized either but it wouldn't hurt if you think it will get questioned. I just attached it as an example. Here are some questions that should be addressed in the affidavit:

- Who are you?
- Why is your statement valid in supporting the priority date? (*Are you the current owner, do you have first-hand knowledge of the water use or are you repeating something someone told you, are you a neighbor, how do you know about the first date of beneficial use of water, etc.*)
- What is the source of the water you have knowledge about?
- What is/was the water used for?
- What is the extent of use? (*How much is irrigated?*)
- When: You need to state in the affidavit the earliest date of beneficial use of water that you have knowledge of.

Look things over and then call or e-mail if you have questions. If all looks well, then what you need to do is the following:

- 1) Sign the amended claim
- 2) Sign the request to withdraw claim 97-8753
- 3) Write an affidavit supporting the claimed 1969 priority date
- 4) Include check for \$1 with amended claim 97-8754
- 5) Mail all documents to:

ATTN: CRAIG SAXTON
IDWR
PO BOX 83720
BOISE ID 83720-0098

I hope all is well.

Thanks,
Craig

From: mindebeehner@frontier.com [<mailto:mindebeehner@frontier.com>]
Sent: Tuesday, August 18, 2015 10:06 AM
To: Saxton, Craig
Subject: Re: CSRBA Recommendations 94-8753 and 94-8754

Craig,

Yes canyon creek water is used only for irrigation. Thank you again for helping us out!!

Minde

From: "Saxton, Craig" <Craig.Saxton@idwr.idaho.gov>
To: "mindebeehner@frontier.com" <mindebeehner@frontier.com>
Sent: Tuesday, August 18, 2015 7:53 AM
Subject: CSRBA Recommendations 94-8753 and 94-8754

Hello Minde and Matt,

Thanks for meeting with me last week to review the preliminary recommendations for your claims 94-8753 and 94-8754. Just to briefly review, when we looked over your recommendations, we discovered that both recommendations were for domestic use and were essentially the same except for the fact that 94-8753 put the place of use in the SWNE (Shop area) and 94-8754 put the place of use in the SENE (House and lawn area). We also found that you irrigate just slightly over the ½ acre maximum authorized under a domestic use.

When I got back to the office, I realized that unless you use Canyon Creek water for something other than irrigation, then we shouldn't be calling it Domestic use at all. In order to prepare an amendment and the other documentation I will send you, I need to confirm what exactly you use the Creek water for. Is it just external use for irrigation?

Thanks,

Craig L. Saxton
IDWR
Adjudication Technical Analyst
208.287.4916
craig.saxton@idwr.idaho.gov