



State of Idaho

DEPARTMENT OF WATER RESOURCES

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C.L. "BUTCH" OTTER

Governor

August 25, 2015

GARY SPACKMAN

Director

MIKE AND ILLYA CLINE
PO BOX 366
SMELTERVILLE ID 83868

SUBJECT: Notice of Error Reply on Notice of Claim Numbers 94-8707 and 94-8708

RESPONSE DEADLINE

DATE: September 11, 2015

Dear Mr. or Mrs. Cline:

We have received your Notice of Error replies on the above claims indicating that you would like to add the stock water usage and increase the quantity of water. This information is currently being evaluated.

I need some information before I can complete the evaluation. I have enclosed a map of your property and ask that you show where the water usage is occurring. The original map did not show the stockwater usage. From my conversation with Mrs. Cline on Wednesday, August 19 and from our visit in Kellogg, August 11, 2015, it appears that there is a stock tank near the spring (which we have listed as an unnamed stream) and a stock tank near the well. As for the domestic usage, we show that usage around the home for lawn irrigation and in-house usage both from the well and spring.

As to the spring/unnamed stream source - is the source a spring or is it an unnamed stream? If it is a spring, than I recommend amending the claim to a spring source rather than an unnamed stream, as we want to ensure the claims are recorded accurately. I've enclosed a copy of the claim for such a purpose. To do so, please line out the unnamed stream and write in the source as a spring. You may also need to change the tributary. Please initial and date each change that you make.

Also, if there is a water usage directly from a stream for watering stock, than you may wish to file a separate claim for instream stockwater. I've enclosed a blank claim form for this purpose. The cost to file it would be \$25.00. (A claim is not required for instream stockwater usage.)

Finally, if you are irrigating ten acres of pastureland, than you may want to file a Notice of Claim or a permit application to appropriate a new water right for that usage. This is because the permit system for establishing a water right became mandatory for uses developed from ground water after March 25, 1963 (except for domestic purposes as defined by Section 42-111, Idaho Code), and for uses developed from surface water after May 20, 1971 (except for watering stock directly from streams). I'll send along a permit application should this be the case.

Please return the map and/or amended claim, to my attention, by the response date shown above. Feel free to contact me if you have any questions.

Sincerely,

Linda A. Werner

Water Resource Agent, Sr.

Enclosures: Map
Copy of Notice of Claim No's. 94-8707 & 94-8708
Application for Permit W/Instructions
Blank Notice of Claim to a Water Right W/Instructions