



State of Idaho

DEPARTMENT OF WATER RESOURCES

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C.L. "BUTCH" OTTER
Governor

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Director

June 30, 2015

GEORGE WINE
16325 HWY 5
SAINT MARIES ID 83861

RODNEY LINDBERG
16323 HWY 5
SAINT MARIES ID 83861

RE: Coeur d'Alene-Spokane Basin River Adjudication (CSRBA)
Splitting original license 92-10036 (91-7090)

Dear Mr. Wine and Mr. Lindberg,

Thank you both for speaking with me yesterday, June 29, 2015, regarding the status of your water rights. I wanted to review what I spoke about with both of you so you had a chance to look at the same information I am looking over.

I will start with my conclusion 1st:

After reviewing the claim and water right file for 92-10036, and claim 92-11015, it appears to me that the original license 92-10036 (renumbered from 91-7090) authorizing diversion from the spring for domestic use at both your homes, should be split. Currently, all of license 92-10036 has been recommended to the property owned by Mr. Wine, and is before the CSRBA court pending partial decree. There is nothing left of the original license to recommend to Mr. Lindberg's property.

There are a couple of ways to resolve this issue, but all of them¹ will require that someone file an objection to Mr. Wine's recommendation (92-10036) to prevent the CSRBA court from issuing a decree for 92-10036. Once the Objection is accepted by the court, the Idaho Department of Water Resources (IDWR) can prepare new recommendations for 92-10036 (Wine) as well as a recommendation for late claim 92-11015 (Lindberg).

Background:

On February 27, 1991, License 91-07090 was issued to Keith G. and Louis G. Wilson (copy enclosed). In 2008, 91-7090 was renumbered to **92-10036** to represent that the water right actually falls within IDWR's Administrative Basin 92.

¹ A transfer could be filed after the partial decree is issued to add Mr. Lindberg's name and property description to 92-10036, but it would cost a minimum of \$250. When I say that all of the options require an objection to Mr. Wine's recommendation (92-10036), I mean all the "free" options.

License 92-10036 authorized the following:

- Diversion rate = 0.02 cfs
- Diversion volume = 2.4 AF
- Domestic use = 2 homes
- Place of Use within: T46N, R02W, S20, SESW (Wine)
 NWSE (Lindberg)

Analysis:

On May 10, 2011, George and Deanna Wine filed CSRBA claim 92-10036. The claim was for:

- Diversion rate = 0.02 cfs
- Diversion volume = 2.4 AF
- Domestic use = 1 home
- Place of Use within: T46N, R02W, S20, SESW (Wine)
 NWSE (Lindberg)

Note that claim 92-10036 (*Wine*) claimed use on both properties, but only for one home. The claim also includes all of the licensed diversion rate and volume

On December 30, 2014, IDWR submitted a Director's report for 92-10036 (*Wine*) to the CSRBA court. The recommendation was for:

- Diversion rate = 0.02 cfs
- Diversion volume = 2.4 AF
- Domestic use = 2 homes
- Place of Use within: T46N, R02W, S20, SESW (Wine)

Note that the recommendation included both homes, but did not include the 40 acre tract that Mr. Lindberg's property falls within. If this recommendation is decreed, then all of the original license will be applicable to Mr. Wine's property and nothing will be left to recommend to Mr. Lindberg.

Proposal:

In order to make sure both properties served by the original water right are assigned a share of that water right, someone needs to file an objection to Mr. Wine's recommendation 92-10036. The objection stops the recommendation from moving to decree and allows IDWR to prepare new recommendations. We can issue new recommendations in one of the following ways:

Option 1: Split the original right in half:

Claim Number:	92-10036	92-11015	Total
Claimant:	Wine	Lindberg	
Diversion Rate:	0.01 cfs	0.01 cfs	0.02 cfs
Diversion Volume:	1.2 AF	1.2 AF	2.4 AF
Number of Homes:	1	1	2
Place Of Use:	SESW, Sec 20, ...	NWSE, Sec 20, ...	

Option 2: Keep the original licensed water use as one right, but add Mr. Lindberg as a claimant and include his property on the place of use description:

Claim Number:	92-10036	92-11015	Total
Claimant:	Wine, Lindberg	Lindberg	
Diversion Rate:	0.02 cfs	0.01 cfs	0.02 cfs
Diversion Volume:	2.4 AF	1.2 AF	2.4 AF
Number of Homes:	2	1	2
Place Of Use:	SESW & NWSE, Sec 20, ...	NWSE, Sec 20, ...	

Option 3: Recommend the full diversion rate to both water rights, but add combined use limits that would limit use of both rights to the original licensed amount. The advantage to this is that if one of you ever stopped using your water right, then the other could still divert the full amount of water.

Claim Number:	92-10036	92-11015	Total
Claimant:	Wine	Lindberg	
Diversion Rate:	0.02 cfs	0.02 cfs	0.02 cfs
Diversion Volume:	1.2 AF	1.2 AF	2.4 AF
Number of Homes:	1	1	2
Place Of Use:	SESW, Sec 20, ...	NWSE, Sec 20, ...	

Include conditions: *"Right Nos. 92-10036 and 92-11015 are limited to a total combined diversion rate of 0.02 cfs."*

Conclusion:

In my conversation with Mr. Lindberg yesterday, I told him that the objection deadline was July 9, 2015. I was mistaken. The objection deadline for Basin 92 was actually May 7, 2015. However, there is an opportunity to file a late objection since 92-10036 is not yet decreed.

With this letter, I am enclosing two partially completed forms:

- 1) Standard Objection form
- 2) Motion to File a Late Objection

Both of these are filled out as if Mr. Lindberg was going to be the one filing the objection and you were going to go with **Option 3**. I will send blank copies to Mr. Lindberg as well in case you decide to go a different direction.

Unless you two decide otherwise, Mr. Lindberg will need to file the objection. I am sending Mr. Wine a copy for his records.

My recommendation would be to file the Motion to File a Late Objection as soon as possible. This is a lot of information. Please contact me with any questions.

Respectfully,



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