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Linda Werner
Senior Water Resource Agent
State of Idaho Department of Water Resources
Northern Region
7600 N. Mineral Drive, Suite 100
Coeur d'Alene, Idaho 83815-7763

RECEIVED
JAN 19 2016
IDWR/NORTHERN

RE: Notice of Error Reply for Coeur d'Alene-Spokane River Basin Adjudication
(CSRBA) Claim No 94-9390

RE: ADJ CLAIM FOR STORAGE USAGE, submitted 9/9/2015

Dear Ms. Werner:

I appreciate the pleasant and productive meeting that we had 9/9/2015, in which I submitted 1. Notice of Error Reply, 94-9390, as well as 2. ADJ CLAIM FOR STORAGE USAGE (Pond). I understood that you thought it might be after the first of the year before I would receive notice of these matters.

In fact, I was pleased to receive a response regarding the Notice of Error Reply from Mr. Evan W. Roda 10/21/2015, in which the place of use was corrected, but not the tributary. I enclose copies of Mr. Roda's letter as well as my reply, to which I have not had a response.

I am broadening the reach of this discussion to include the ADJ Claim FOR STORAGE USAGE (POND), because of the Department's focus on the enclosed topographical map (photo yr 1975). This photo was given to me by Mr. Shaun Maxey, who also wanted the pond called UNNAMED STREAM, TRIBUTARY OF BLACK LAKE in 3, Source of water supply, in the ADJ CLAIM FOR STORAGE USAGE.

The more I think about this, the more disturbed I become. As I have consistently stated in the NOTICE OF CLAIMS, there is no evidence ^{on the ground} for any exit from the pond's southeastern end to form an intermittent stream flowing south and west as a tributary to Black Lake. This has been true since I bought the farm in 1991, and likewise there is no evidence for such a stream in the aerial photographs of

the pond that I have seen since the 1975 topographical map. Therefore I think it is a gross mistake to state that the UNNAMED STREAM in both Claim 94-9390 and the pending ADJ CLAIM FOR STORAGE USAGE is a TRIBUTARY OF BLACK LAKE. Item 3(b) in Claim 94-9390 should read SINKS as I originally wrote and again stated in my Notice of Error Reply, and should read SINKS or be left blank, since there is no tributary, in the pending ADJ CLAIM FOR STORAGE USAGE.

Mr. Maxey has been very helpful, and I appreciate Mr. Roda's letter. But in the current climate of water rights, who knows what expectations might arise if it is thought that there is an intermittent flow out of the pond. I am uncertain why the Department places such emphasis on the 1975 topographical map to the exclusion of more recent evidence.

Thank you for your consideration.

Yours truly,

A handwritten signature in blue ink that reads "Clark Nolan". The signature is written in a cursive, flowing style.