



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 17, 2016

KATHLEEN D ROWLEY
3904 S ALDER CIRCLE
SPOKANE WA 99223

SUBJECT: Coeur d'Alene-Spokane River Basin Adjudication (CSRBA) Claim Number 95-8705

RESPONSE DUE DATE: APRIL 11, 2016

Dear Ms. Rowley:

We are in the process of reviewing the above Claim for recommendation in the CSRBA. This claim is based on licensed water right 95-8705, which was issued for the irrigation of 0.1 acre from a diversion on Lake Coeur d'Alene located in the NW1/4NW1/4, Lot 2, T48N, R4W. The place of use is listed in the same area.

However, the claim you filed in the CSRBA differs from the licensed right in that it was claimed for a domestic usage with the lake diversion and place of use located on parcel number 0-0410-000-030, but listing the diversion and place of use in the NW1/4NW1/4, Lot 2, T48N R4W (see item 4 on the claim). The parcel number and legal description do not match and I could not find a parcel with this number in the Kootenai County tax lot database. Should it be parcel number 0-4140-0000-030? This places the property at 62870 S Powderhorn Bay Road.

Based on this information, your claim indicates a change in usage, point of diversion and place of use. Under Idaho Code 42-222, this type of change may be recognized as an accomplished transfer if such changes occurred before January 1, 2006. However, before we can recommend the claim with these changes, we need proof that the change occurred before that date. Documentation supporting such change may consist of affidavits, tax documents, photographs, etc. Consequently, before we can complete the recommendation of your claim for decree in the CSRBA, we need more information from you.

I am enclosing a copy of the licensed water right, a map showing the location of the diversion and place of use, as taken from our beneficial use field inspection of August 11, 1994, a copy of Claim 95-8705, and an updated map showing the claimed point of diversion and place of use, based on the parcel number for the Powderhorn Bay Road address.

Please review this information and advise me as to how you would like to proceed with this claim. I can be reached at (208) 762-2800 or by email at linda.werner@idwr.idaho.gov.

Sincerely,

Linda A. Werner
Water Resource Agent, Sr.

Enclosure(s)

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 95-08705

Priority: July 19, 1991

Maximum Diversion Rate:
Maximum Diversion Volume:

0.01 CFS
0.3 AF

This is to certify, that IRWIN FAMILY TRUST
C/O KAY ROWLEY
S 2215 S E BLVD #4
SPOKANE WA 99203

has complied with the terms and conditions
of the permit, issued pursuant to Application for Permit dated July 8, 1991; and
has submitted Proof of Beneficial Use on September 12, 1991. An examination indicates
that the works have a diversion capacity of 0.010 cfs of water from:

COEUR D ALENE LAKE tributary to SPOKANE RIVER

source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	03/15 to 11/15	0.01 CFS	0.3 AF

LOCATION OF POINT(S) OF DIVERSION: Lot 2 (NWNW), Sec. 23, Township 48N, Range 04W
KOOTENAI County

PLACE OF USE: IRRIGATION

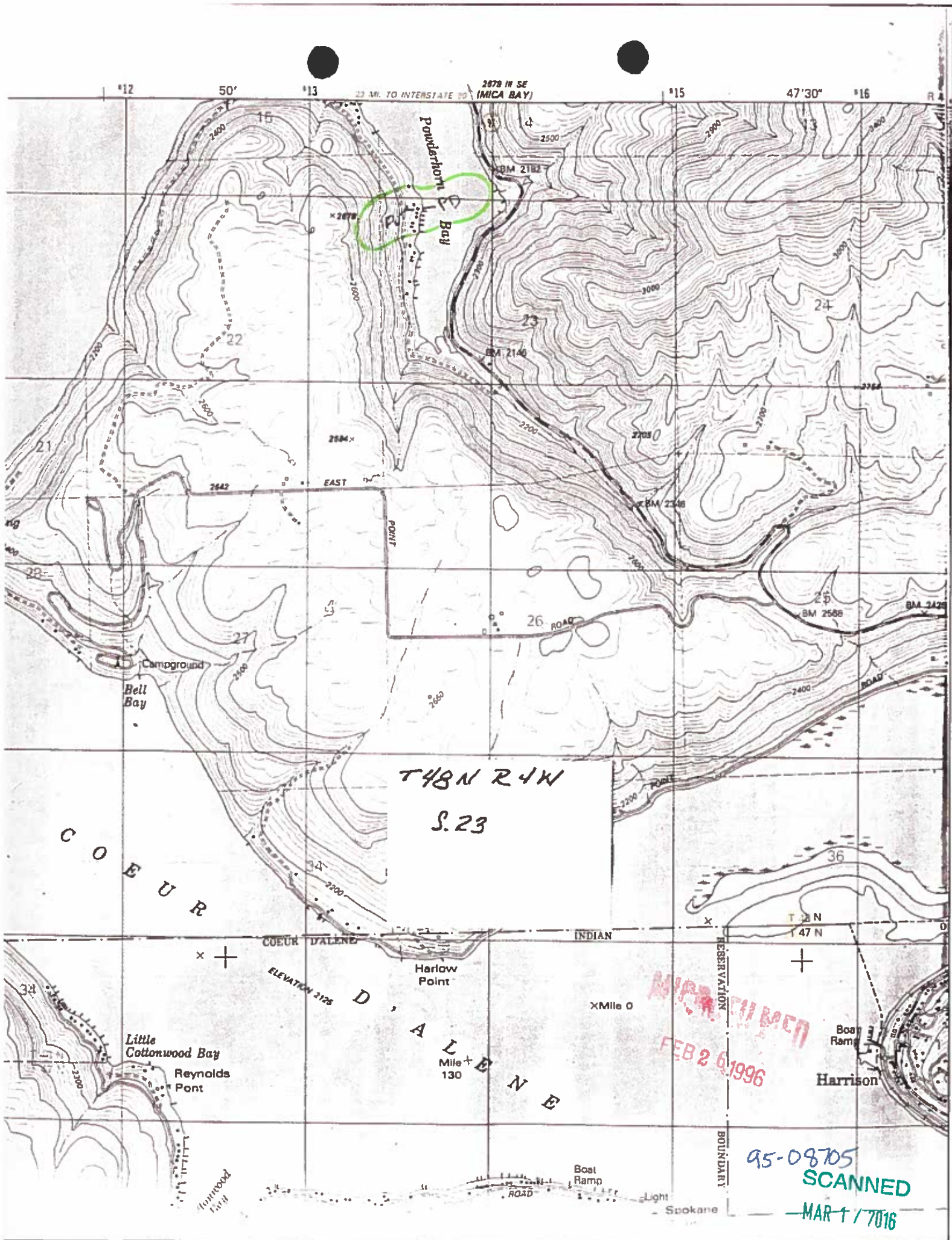
<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
48N	04W	23	Lot 2 (NWNW)	0.1		0.1

Total number of acres irrigated: 0.1

CONDITIONS OF APPROVAL AND REMARKS

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. This right when combined with all other rights shall provide no more than .02 cfs nor more than .3 afa for the land described above.

SCANNED
MAR 17 2016



T48N R4W
S.23

MARCH 1996
FEB 26 1996

95-08705
SCANNED
- MAR 1 / 7016

COPY

Form No. 42-1409-2 (Internet 12/08)

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE COEUR D'ALENE-SPOKANE RIVER
BASIN WATER SYSTEM

CIVIL CASE NUMBER: 49576

Ident. Number 95-8705Date Received: 7/9/10Receipt No: DD3171Received By: Kel

NOTICE OF CLAIM TO A WATER RIGHT

ACQUIRED UNDER STATE LAW

For Domestic and/or Stockwater Purposes

Where Daily Use is less than 13,000 gallons per day

1. Name of Claimant(s) Kathleen D. Rowley Phone (509) 448-8981

Mailing Address 3904 S Alder Circle Spokane WA Zip 99223
Street or Box City State

2. Date of Priority: (Only one per claim) July 19, 1991
Month/Day/Year (YYYY)

3. Source of water supply (Check one) Ground Water () or Other () (a) Coeur d'Alene Lake
which is tributary to (b) _____

4. Location of Point of Diversion is: Township 48N, Range 04W, Section 23,
_____ 1/4 of _____ 1/4, or Govt. Lot _____ BM. County of Kootenai;
Parcel (PIN) no. 0-0500-000-030

Additional points of diversion if any: _____

If available, GPS coordinates: _____

5. Description of diverting works (Wells, Pumps, Spring boxes, Pipelines, Etc.) including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well.

Pump + hoses

6. Water is claimed for the following: (limited to Domestic and/or Stockwater uses. See page 1 of the instructions.)

For Domestic purposes from 3/15 to 11/15 amount .01 cfs () or AFY ()

For _____ purposes from _____ to _____ amount _____

7. Total Quantity claimed .01 cfs () or AFY ()

8. Non-irrigation uses. Describe fully. (eg. Domestic: give number of households served if single ownership;

Stockwater and Number of livestock) Lawn irrigation + orchard

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9. Location of Place of Use is: Township 418N, Range 124W, Section 23.

NW 1/4 of NW 1/4, Govt. Lot 2 BM. Parcel (PIN) no. _____

for (Check One) Domestic ☒ Stock () Domestic and Stock ()

If different than shown in Item 4

Additional places of use, if any _____

10. In which county (ies) are lands listed above as place of use located? Kootenai

11. Do you own the property listed above as place of use? Yes ☒ No ()

If the answer is No, describe in Remarks below the authority you have to claim this water right.

12. Describe any other water rights used at the same place and for the same purposes as described above.

_____ or None ☒

13. Remarks:

14. Basis of Claim (Check One) Beneficial Use () Posted Notice () License ☒ Permit () Decree ()

Court _____ Decree Date _____ Plaintiff v. Defendant _____

If applicable provide IDWR Water Right Number 95-08905

15. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication." (b.) I/We do () do not () wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals: I/We do solemnly swear or affirm under penalty of perjury that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) Kathleen Rowley Date: 7/9/10

For Organizations: I do solemnly swear or affirm under penalty of perjury that I am

_____ of _____,
Title Organization

that I have signed the foregoing document in the space below as

_____ of _____,
Title Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____ Date _____

Title and Organization _____

16. Notice of Appearance:

Notice is hereby given that I, _____, will be acting as attorney at law of behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____ Date _____

Address _____

Last Name _____ Identification No. _____

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The U.S. Aerial Photography Field Office aims to be a leader in derived products.

MAILED
MAR 1 / 2016