

MEMO

Date: February 2, 2016
To: Claim File 94-8407, W. Shoshone Hospital District
From: Linda Werner, Water Resource Agent, Sr.
Subject: Recommended Water Usage

J.W.

The Shoshone Hospital District filed a Notice of Claim for irrigation usage of 23.6 acres on September 27, 2011. The claim, based on beneficial use, did not include evidence of priority when submitted. Consequently, a letter was sent to Justin Custis, Facility Manager, on June 16, 2015, requesting evidence of priority. Evidence was received on August 14, 2015; however, it did not support the irrigation usage.

The claim was recommended for disallowal and a letter was sent to Mr. Custis on October 27, 2015, advising him of our recommendation.

On November 3, 2015, a field inspection was completed and irrigation of 2.5 acres and industrial usage were found. As a result, an amended claim representing our field exam findings was completed and sent to the Mr. Custis for review and signature. This claim included the water usage elements of storage for industrial and irrigation as well as irrigation and industrial usage from storage. The amended claim was signed and returned on November 23, 2015. However, because we still had not received sufficient evidence of the irrigation usage the claim was recommended for industrial use only.

I called Mr. Custis on February 2, 2016, to advise him that the claim was being recommended without the irrigation usage. He does not remember receiving our letters and requested that I send him a copy. As a result, I emailed him copies of the letters dated June 16, 2015 and October 27, 2015, on February 2, 2016.

He stated he will find some evidence of the irrigation usage and get it to me as soon as possible.

Werner, Linda

From: Werner, Linda
Sent: Tuesday, February 02, 2016 10:16 AM
To: 'jcustis@shomed.org'
Subject: Notice of Claim Number 94-8407
Attachments: letters 6.16.2015 & 10.27.2015.pdf

Justin,

Attached are two letters which I sent on June 16, 2015 and October 27, 2015. The second letter mentions that the evidence did not support the irrigation usage and the claim was "disallowed". However, because the field exam of November 3, 2015, supported the industrial usage, as did the evidence, we recommended it for the industrial usage only.

*Linda Werner
Water Resource Agent, Sr.
Idaho Department of Water Resources
Northern Region
(208) 762-2800*



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

October 27, 2015

JUSTIN CUSTIS
SHOSHONE MEDICAL CENTER
25 JACOBS GULCH
KELLOGG ID 83837

SUBJECT: Notice of Error Reply to Notice of Claim to a Water Right Number 94-8407

Dear Mr. Custis:

The Idaho Department of Water Resources has reviewed the documents received on August 14, 2015, submitted to support the irrigation of 23.6 acres with water diverted from Jackass Creek. This includes the following:

December, 1964 Warranty Deed
Notice of Location of Water Right
Color Map Showing reservoir Location
Senior High – Hospital Water System Capability
Excavation Permit for Remediation of Reservoir
Pictures From Remediation Project

We have reviewed this information and found that it does not support the irrigation usage as claimed. Consequently, we are unable to change our recommendation of "disallowed" due to no beneficial use found.

Please feel free to contact me if you have any questions. I can be reached at (208) 762-2800.

Sincerely,

Linda A. Werner
Water Resource Agent, Sr.



State of Idaho

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C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

June 16, 2015

WEST SHOSHONE HOSPITAL DISTRICT #1
25 JACOBS GULCH
KELLOGG ID 83837

RE: Evidence of Priority Date for Notice of Claim to a Water Right Number 94-8407

RESPONSE DEADLINE
DATE: JULY 17, 2015

Dear Claimant:

The Notice of Claim to a Water Right identified with the number shown above has been filed in the Coeur D'Alene-Spokane River Basin Adjudication, also known as Phase 1 of the Northern Idaho Adjudication (NIA). The claim indicates your water usage is based on "Beneficial Use" or "Statutory Claim". Water rights of this type are established by the historic use of water, dating back to when water was first used for the purpose claimed, and are termed beneficial use rights. The date of first use, known as the priority date, has not been confirmed by a License, Decree or Permit. Since the priority date and historic use of a beneficial use right cannot be confirmed by field examination, proof must be provided by the claimant supporting the priority date claimed and the historic use of the water.

Enclosed you will find the pamphlet entitled "Evidence of Priority". The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement.

PLEASE NOTE: IDWR will recommend the NIA Court decree the claim disallowed if no evidence of the priority date and of the historic use is submitted.

Please submit the required evidence supporting the priority date and the historic use by the date shown above, to my attention. If you have any questions, I can be reached at (208) 762-2802 or by email at linda.werner@idwr.idaho.gov.

Sincerely,

Linda A. Werner
Water Resource Agent, Sr.

Enclosures: Evidence of Priority Pamphlet
Copy of Notice of Claim Number 94-8407