



State of Idaho

DEPARTMENT OF WATER RESOURCES

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C.L. "BUTCH" OTTER

Governor

July 30, 2015

GARY SPACKMAN

Director

LOWELL NELSON
11313 E HAYDEN LAKE RD
HAYDEN ID 83835

SUBJECT: Coeur d'Alene-Spokane River Basin Adjudication (CSRBA) Notice of Claim to a Water Right
Number 95-355

Dear Mr. Nelson:

I'm writing in regard to our recent phone conversation in which we discussed changing the name on the claim from Hayden Lake & Associates LTD Partnership to you. Enclosed is a change in ownership form for this purpose.

Secondly, water right number 95-355 was decreed in the Hayden Lake Adjudication for domestic usage from Colburn creek; however, the claim was filed with Hayden Lake as the source. This would constitute a change of source but under 42-1425, Idaho Code, the Department cannot recommend a change in source because an additional diversion on a different source may injure junior water users. So, we would need to recommend that claim as it was originally decreed; with Colburn Creek as the source rather than Hayden Lake.

Water law in Idaho is based on the appropriation doctrine because water rights in Idaho are based upon diversion and beneficial use of water. The appropriation doctrine has also been called "first in time is first in right", because the priority date determines who gets water when there is not enough to go around. The water right is said to have "appropriated" water. A water right under the law of the state of Idaho can be established only by appropriation, and, once established, it can be lost if it is not used. As of May 20, 1971, the way to establish a right to surface water is by following the application/permit/license procedure (except for watering stock directly from streams).

Enclosed is an Application for Permit, with instructions, which may be used to establish the water usage from Hayden Lake. Please note that the priority date of the water usage from the lake will be the day we receive the completed application. I'm also enclosing a claim withdrawal form for claim number 95-355 since Colburn Creek is no longer being used as the water source.

Please return this information, to my attention, as soon as possible so we can complete this recommendation in a timely manner. Be sure to contact me if you have any questions or concerns. I can be reached at (208) 762-2802.

Sincerely,

Linda A. Werner
Water Resource Agent, Sr.

Enclosures: Copy of Claim Number 95-355
Change of Ownership Form
Application for Permit w/Instructions
Claim Withdrawal Form
Water Users Information Guide