



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region • 7600 N. Mineral Drive, Suite 100 • Coeur d'Alene, Idaho 83815-7763
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C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

November 29, 2016

DAVID MELLO
5456 S WOLF LODGE CREEK RD
COEUR D ALENE ID 83814

RE: Evidence of Priority Date for Notice of Claim to a Water Right Number 95-4090 &
Miscellaneous Information for 95-4090 and Notice of Claim 95-12058

RESPONSE DEADLINE
DATE: DECEMBER 16, 2016

Dear Mr. Mello:

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.

Some examples of documents which may be used for evidence of the priority date include:

Affidavits – a statement of someone with personal knowledge of when beneficial use was first made, such as a neighbor or a previous owner of the property. Personal knowledge means someone who observed the use, not someone who was told of the use by someone else. The affidavit should include the month and year when the water usage began.

For Irrigation Claims – (a) sales receipts for equipment or materials used in the water system or (b) records of the person or business who sold, installed or constructed the diversion works.

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.

Also – you've claimed a season of use for irrigation from April 1 to November 1. Our standard season of use for this area is March 15 to November 15. If you would like to amend your claim to represent this usage please cross out and insert the above dates under item six on the claim. Be sure to initial and date any changes that you make.

95-12058

It's noted on your claim under item 14 that the well drilled in 1983 replaced a shallow well that was used prior. If you would like to amend the priority date (item two) to reflect the first usage date of the shallow well, you may do so. Simply cross out and insert the amended date. Again, please be sure to initial and date any changes that you make.

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: Copy of Notice of Claim Number 95-4090
Copy of Notice of Claim Number 95-12058