



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

December 1, 2016

JOHN SUTHERLAND
17899 E ALDER CREEK RD
COEUR D ALENE ID 83814

RE: Evidence of Priority Date for Notice of Claim to a Water Right Number 95-4466
Diversion and Place of Use for Claim Numbers 95-4466 and 95-12301

RESPONSE DEADLINE
DATE: DECEMBER 30, 2016

Dear Mr. Sutherland:

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 from 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 – I've enclosed a map of your property. Please show on this map where the diversions from the unnamed stream and well are located, and where the water usage for domestic and irrigation is occurring.

Please return this information, to my attention, by the date shown above. 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 Numbers 95-4466 and 95-12301
Map

Kootenai County

Tools of the Trade

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Home

Layers

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Parcel Number

50N02W358500

Find

Search By

Parcel Number

Map Layers

Parcel ID

Owner Name

50N02W-35-8500

SUTHERLAND, JOHN

Owner

Additional

AIN: 132496

LRSN: 66389

Parcel Number: 50N02W-35-8500

Appr Dist: 6 TRS: 502W35

Incorporation: NONE

Owner Information:

SUTHERLAND, JOHN

17899 E ALDER CREEK RD

COEUR D ALENE, ID 83814

Site Address:

17899 E ALDER CREEK RD

COEUR D ALENE

Legal Description:

BKPG:

SW-SE EX TAX #5, S2-SW-SE-SE TAX

#1845, EX RW

Acres: 24.155

17899 E ALDER CREEK RD