



State of Idaho

DEPARTMENT OF WATER RESOURCES

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C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

December 15, 2016

GAIL A BYERS
116 PINECREST RD
MOSCOW ID 83843

RE: Coeur d'Alene-Spokane River Basin Adjudication (CSRBA) claims:
95-14474 and 95-14475

Dear Ms. Byers,

The Idaho Department of Water Resources is currently in the process of reviewing CSRBA claims in your area. My initial review of claims 95-14474 and 95-14475 resulted in a couple of questions.

Item 1:

95-14474 is the claim to the ground water or well water use. It claims domestic use for 2 homes on lot 38, Harbor Island Addition. The plat you sent with the claim (enclosed) shows the location of one home and one garage. I just need to know where the 2nd home is that is served by the well under this water right. Is it the garage? Or is it a house on a different lot?

Item 2:

95-14475 is the claim to use of the Spokane River for irrigation of up to ½ acre. Because your irrigation use doesn't exceed ½ acre, there are a couple of ways to claim this water use and it gets confusing.

Currently claim 95-14475 claims "**irrigation**" as the purpose of use. Filing fees for an **irrigation** use is \$50 per claim plus \$1 per acre (rounded up). So filing fees for the claim as it sits now is \$51. Fees paid under receipt number N024311 for claim 95-14475 is \$25. So, if your intent is to claim **irrigation** as the purpose of use, an additional \$26 in filing fees is required.

However, because the irrigation doesn't exceed ½ acre, you could claim the water use as "**domestic**" use. The domestic definition described in section 42-111, Idaho Code, allows use of water for household use, stockwater use, and irrigation of up to ½ acre, as long as all those uses don't exceed 13,000 gallons per day. This type of domestic use can be claimed on a \$25 claim. This would explain why only \$25 in filing fees was paid.

There are two options to clarify claim 95-14475:

- 1) Submit the additional \$26 in filing fees and continue calling the use "**irrigation**". The advantage to this is that you aren't necessarily tying the use to the home. You could

theoretically file a transfer and move your water right to a different location without a home if you wanted to do so in the future (assuming you had access to the Spokane River at the new location).

- 2) Amend claim 95-14475 to show the purpose of use as “**domestic**”. You will still be able to irrigate up to ½ acre with it, but you are essentially saying that the irrigation use is in connection with the home. So if you transferred the right, you would need to use it in connection with a home. It doesn’t mean you are using it in the home, it just means it is used in connection with a home, such as for irrigation of lawn, garden, washing your car, etc.

Most of the other claims from the Spokane River I have looked at in the Harbor Island Addition(s) claim the use as “domestic”. Unless the irrigation use exceeds ½ acre.

What’s next?

95-14474: Please contact me by e-mail, phone, or regular mail and let me know where that other home is by January 20, 2016. If you can mark it on a map and mail/e-mail it to me, that would be best.

If I don’t hear back from you, I will recommend the domestic use from the well for 1 home on lot 38, Harbor Island Addition

95-14475: I am enclosing an amended claim where the purpose of use is described as “**domestic**”. You may either sign and return the amended claim to me and I will update the claim to show the use as domestic (which includes ½ acre of irrigation), or you can submit the additional \$26 in filing fees and we will call the use irrigation. As the claim sits now, I cannot recommend it as a valid water right. Please respond by January 20, 2016.

Please don’t hesitate to contact me with questions.

Respectfully submitted,



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Adjudication Section
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