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MAR 30 2018

IDWR / NORTH

CSRBA NOTICE OF ERROR

Water Right Number: 95-7617

Paul Finman
764 South Clearwater Loop
Post Falls, ID 83854
208-415-4300

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

The recommendation places some of the POD's outside of my property.

2. Describe the changes you wish to make in the proposed recommendation:

I wish the recommendation to accurately state that all POD's would necessarily be within my property area where I have rights for ingress and egress.

3. Give a brief explanation as to why you disagree with these portions:

It is only reasonable for the IDWR to recommend POD locations where I have access rights and not to recommend POD's which would require trespass.

Date: 3/30/18

Signature: Paul F. Finman

Please print your name: Paul F. Finman

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1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

The recommendation states: "The remainder of this right was forfeited for non-use from 1997 to 2008."

2. Describe the changes you wish to make in the proposed recommendation:

I wish the CSRBA to settle on one consistent policy concerning water rights on a smaller land area that is split off from the larger land area of an original water right holder. This could be "Water goes with the land" and a water right is split with no consideration of whether or not a new owner of a smaller land area has access to a POD that was available to the owner of an original larger land area. I guess it would be possible for a new owner of a smaller land area in subsequent years to gain access (e.g. through purchase of an easement) to a POD that allows using the water again.

Another alternative would be that after a smaller land area has been separated from an original larger land area of an original water right holder, in a certain amount of time of no access to the POD and no use of the water, a portion of a water right is forfeited for non-use. This is what the recommendation for water right 95-7617 is doing.

Whatever policy is consistently implemented on an equal basis, it must not conflict with the IDWR statement on all licenses: "This right does not grant any right-of-way or easement across the land of another."

3. Give a brief explanation as to why you disagree with these portions:

I had the experience of the IDWR splitting another water right of mine that was part of a large ranch dating back to 1908. I purchased the main body of that ranch and the main portion of the original water right was transferred to me. However, the IDWR transferred part of the original water right to a small land area that had been split from the original ranch. This land area does not have access to any POD. When I discussed this situation with an IDWR representative, the representative assured me that: "This right does not grant any right-of-way or easement across the land of another."

In the case of water right 95-7617, the CSRBA recommendation forfeits a portion for non-use. For my other water right, the IDWR split the right with no forfeiture for non-use. The CSRBA and the IDWR need to properly address this inconsistency.

Date: 3/30/18

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