



State of Idaho

DEPARTMENT OF WATER RESOURCES

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C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

June 14, 2018

WELCH K BAR RANCH
C/O HOWARD OR ROBERTA WELCH
8865 FERNAN LAKE RD
COEUR D ALENE ID 83814

SUBJECT: Notice of Error Reply to Notice of Claim (Claim) to a Water Right Number 95-10656 and 95-10664, Recommendation of Claim Number 95-8072, Ownership Change to Howard and Roberta Welch Trust

Dear Mr. or Ms. Welch:

This is a letter that I started in late April, 2018, just prior to your visit to my office on May 3, 2018. We discussed this information during that visit, but since that time I have new information to give to you regarding the ownership change and claim 95-10664, so thought it best to address the previous items in a letter so you would have something in writing.

I'll address the ownership change first - The warranty deed that you submitted shows the property being transferred from Fred Fox, Jr. and Zane I. Lubin Trustees, as the grantors, to Howard E. Welch and Roberta Anne Vigil, Trustees, as the grantees. What we need is the official document showing your properties being changed from Welch K Bar Ranch to Howard and Roberta Welch Trust. This document should also have a legal description of the properties in question.

In regard to the Notice of Error reply for beneficial use claim 95-10656, filed for irrigation, stockwater and fire protection storage, etc. from an unnamed stream with priority date of December 31, 1901. If you recall, the claim was not recommended due to a lack of evidence supporting the water uses claimed. As a result, you filed a notice of error and submitted evidence consisting of a flyer from the K Bar Dude Ranch printed in approximately 1941.

We have examined the evidence submitted, but unfortunately, were not able to recommend the claim due to the following reasons:

- a. The flyer submitted as evidence states that "fishing is very good in Fernan Lake, just three-fourths mile from ranch". No other location is mentioned so it appears that the water usage is coming from Fernan Lake rather than the pond supplied by the unnamed stream.
- b. We have reviewed the 1981 topography map for this area and the pond is not shown on the map.
- c. The beneficial use field exam completed in March, 1987, on permitted right 95-8072 from the same pond, states that "no water is removed from the pond". This resulted in that permit being licensed for recreation storage.

Recommendation of Notice of Claim 95-8072

This is the claim filed on March 14, 2018, based on licensed right 95-8072, issued for recreation storage from a pond with priority date of 2/12/1981. When you filed the claim you added several new uses including fire protection and wildlife storage and fire protection and wildlife from storage.

We have reviewed that claim and completed our preliminary recommendation. It has been recommended, as licensed, without the additional uses. This is because the additional uses would encompass an expansion of the original water right.

Notice of Error Claim 95-10664

This is the claim that you filed on the well on the northwest portion of your property with priority date of December 31, 1946, for irrigation of 67.6 acres, along with stockwater, fire protection and storage for those uses. We were unable to recommend that claim for those purposes due to lack of evidence of beneficial use. Consequently, you submitted an amended claim on May 31, 2018, for domestic and stockwater usage only. That claim has been recommended with the domestic and stockwater usage. I've enclosed a copy of that recommendation, for your review.

Where do we go from here?

I have enclosed an application for permit, should you wish to apply for a water right for irrigation from the well or unnamed stream.

For the preliminary recommendation on Notice of Claim 95-8072 and the new recommendation on claim 95-10664 – in approximately four months you will receive notice on these claims relating to their recommendations.

There's a lot of information contained in this letter, so please feel free to contact me 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.

Enclosure: Application for Permit w/Instructions
Preliminary Recommendation for claims 95-8072, 95-10656 and 95-10664