



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 E FRONT ST STE 648 • PO BOX 83720 • BOISE ID 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Website: idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

July 11, 2018

JACK DELAVAN
3675 S BOOTHE PARK RD
COEUR D ALENE ID 83814

RE: Response to Notice of Error to Preliminary Recommendation for Coeur d'Alene-Spokane River Basin Adjudication (CSRBA) claims 95-16840 & 95-16841

Dear Mr. Delavan,

The Idaho Department of Water Resources (IDWR) has reviewed the Notice of Error reply (NOE) you submitted in connection with the preliminary recommendation for claims 95-16840 and 95-16841.

95-16840:

The NOE reply identified three issues:

1. Priority date should be 7/22/1910
2. Lot number should be Lot #20
3. Name misspelled on map

Issue 1: Claim 95-16840 lists a claimed priority date of 3/27/1979 which is what was recommended. The claimed use is for one of 2 domestic uses originally licensed under 95-7898. The other portion of that original license is claimed by Greg Delavan. The recommended priority date is consistent with the claim and the license.

Issue 2: Kootenai County website lists the current legal description of the property as:

LAKESHORE ADD TO SUNNYSIDE, LT 19 EX TAX #17026, LT 20 [INCORRECTLY DEEDED AS LTS 20, 21] Section 33 Township 50N Range 03W.

I have enclosed a copy of the report for your review. To remain consistent with the Kootenai County parcel data, I left the property description as listed on the original preliminary recommendation. Note that this condition falls under the Explanatory heading and is for informational purposes only. Explanatory remarks are not listed on the final decree when issued.

Issue 3: The map with the spelling error was a typo on my part and has been corrected.

95-16841:

The NOE reply identified three issues:

1. Acreage too small
2. Quantity too low
3. Change lot number to 20 & 21



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Issue 1: The recommended acreage for irrigation is intended to represent the actual amount of irrigated property. Claim 95-16841 lists 1 acre of irrigation, but much of the parcel appears to be non-irrigated land such as driveway or the buildings. I have re-evaluated the available air photos and have increased the recommended irrigated acreage to 0.5 acres.

If you still disagree with the recommendation you will need to file an objection¹ to the Director's Report for 95-16841. At that time you will have the opportunity to submit additional information to support additional irrigated acreage.

Issue 2: I have increased the recommended diversion rate to be consistent with the recommended irrigated acreage. IDWR standards allow 0.03 cfs per acre for irrigated systems for 5 acres or less. The recommended diversion rate was calculated as follows: $(0.03 \text{ cfs})(0.5 \text{ acres}) = 0.015 \text{ cfs}$...rounded to 0.02 cfs.

Issue 3: Kootenai County website lists the current legal description of the property as:

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I have enclosed a copy of the report for your review. To remain consistent with the Kootenai County parcel data, I left the property description as listed on the original preliminary recommendation. Note that this condition falls under the Explanatory heading and is for informational purposes only. Explanatory remarks are not listed on the final decree when issued.

I have attached updated copies of your preliminary recommendation. If you still disagree with the recommendation, you will have the opportunity to file an objection to your recommendation and be heard by the CSRBA court.

Respectfully,

Craig L. Saxton
Adjudication Technical Analyst
craig.saxton@idwr.idaho.gov
208.287.4916

¹ Instructions for filing an objection will be included with the mailing of the Director's Report which is estimated to be sent in July of 2018.