



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

November 26, 2018

DANIEL CHARLES HURLEY
639 N RIVERPOINT BLVD J201
SPOKANE, WA 99202

COPY

RE: Notice of Error Reply for Coeur d'Alene-Spokane River Basin Adjudication (CSRBA) Claim Nos. 95-9270 and 95-9271

Dear Claimant,

The Idaho Department of Water Resources has reviewed the Notice of Error Replies for the above referenced water right claims. We are unable to make the requested changes to the water right claim recommendations for the following reasons.

The Notices of Claim to a Water Right identified with the numbers shown above were submitted for the use of surface waters for domestic, irrigation, and fire protection purposes with claimed priority dates of June 15, 1939 and June 15, 1955. While sufficient evidence was submitted to support the claim for domestic use of spring water (95-9270), there was no evidence provided to support your claim for the use of water from Coeur d'Alene Lake for irrigation and fire protection purposes (95-9271). A letter requesting additional evidence for this claim was sent to you on November 24, 2015, but no response was received. The statutory water right claims that your current claims are based upon are insufficient to serve as evidence of beneficial use as they were never proved up on, nor was a field examination ever performed on the property. As no evidence was received to prove the continuous beneficial use of lake water for irrigation and fire protection purposes dating back prior to the issuance of the mandatory permit statute, Claim No. 95-9271 must be recommended to the Court as disallowed. The permit system for establishing a water right became mandatory for uses developed from surface water after May 20, 1971 (except for watering stock directly from streams).

PLEASE NOTE: The disallowal of your adjudication claim does not prevent the establishment of new water rights on the property in the future. If you would like to irrigate additional land beyond the ½ acre allowed with your domestic use, an Application for Permit should be filed. Feel free to contact our office anytime if you would like assistance filing for a new water use permit and we will be happy to help. For your convenience, I have enclosed an Application for Permit form with instructions.

If you have any questions, please contact our adjudication staff at the Northern Regional Office during business hours at 208-762-2800.

Sincerely,

Evan W. Roda
Water Rights Supervisor
Northern Region

SCANNED

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Enclosures: Application for Permit with instructions