



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

THOMAS C FAULKNER
440 NW MARYLAND CT
PULLMAN, WA 99163

COPY

RE: Notice of Error Reply for Coeur d'Alene-Spokane River Basin Adjudication (CSRBA) Claim No. 95-9054

Dear Claimant:

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

The Notice of Claim to a Water Right identified with the number shown above was filed for the use of water from Coeur d'Alene Lake for domestic purposes in 1 home, and was based upon a previously issued water right license. When filing a water right claim on a previously issued license, all aspects of the originally licensed water right must be carried over to the new claim, with exception to a reduction of use or changes accomplished through a water right transfer (Idaho Code § 42-222). In your Notice of Error Reply, you stated that the recommendation of your claim should include irrigation use for four homes. The recommendation of domestic use for 1 home is consistent with your claim and the license it was based upon and cannot be increased. That claim included an accomplished change in purpose of use from the irrigation of 0.2 acres to domestic use for 1 home. If you would like to claim the irrigation use originally licensed, than an Amended Notice of Claim should be filed reflecting that change.

The use of diverted surface water (lake) for the additional homes is in violation of the mandatory permit statute for that water source. 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). Because the use of lake water to irrigate the land around the other three homes was not previously established under the permit system, an Application for Permit should be filed. For your convenience, I have enclosed an Application for Permit form with instructions.

If you have any questions or concerns, feel free to 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: Copy of Notice of Claim to a Water Right No. 95-9054, Copy of Water Right License 95-9054, Application for Permit with instructions