



State of Idaho

DEPARTMENT OF WATER RESOURCES

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BRAD LITTLE
Governor

GARY SPACKMAN
Director

February 6, 2019

JOHN SYLTE
8626 W SYLTE RANCH RD
RATHDRUM ID 83858

SUBJECT: Notice of Error Reply and Amended Notice of Claim for Coeur d'Alene-Spokane River
Basin Adjudication (CSRBA) Claim No. 95-4730

Dear Mr. Sylte:

The Idaho Department of Water Resources has reviewed the Notice of Error Reply and Amended Notice of Claim for the above referenced water right claim. This claim must now be recommended to the Court as disallowed for the following reasons:

The Claim identified with the number shown above was first filed for the domestic use of ground water with a claimed priority date of July 7, 1972. The amended claim received on March 30, 2018, changed the water source from ground water (well) to surface water (spring). The priority date was also amended to August 20, 1910. As this claimed use of surface water was not claimed in the previous Twin Lakes Adjudication, (Case No. 32572, 1st Jud. Dist. Ct. April 20, 1989), the recommended priority date cannot precede that adjudications' commencement of May 23, 1977, and thus is in violation of the mandatory permit statute. 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). As such, CSRBA Claim No. 95-4730 must be recommended to the Court as disallowed and an Application for Permit should be filed for the claimed water use.

For your convenience, I have enclosed an Application for Permit form. If you need assistance applying for the permit, please contact our water allocation personnel at the Northern Regional Office during business hours at 208 762-2800.

Following the submission of the Director's Report for Part 2 of Basin 95, if you locate additional evidence and wish to further pursue this water right, a Standard Form 1 (Objection) should be filed with the Court.

Sincerely,

Linda A. Werner
Water Resource Agent, Sr.

Enclosures: Preliminary Recommendation 95-4730
Application for Permit w/Instructions