

My name is ALLAN D. KYLE

My address is 25249 N. HATCH RD.
ATHOL ID 83801

My phone number is: work 208-661-9059 (CELL) Home 208-683-0572 (LAND)

☐ I am an attorney representing _____

My name is _____

My address is _____

My phone number is _____

☒ I must amend my Notice of Claim to the use of water in the CSRBA because:

OUR ORIGINAL CLAIM WAS DISALLOWED, BUT THE APPLICATION
WAS INACCURATE AS TO THE ACRES INVOLVED AS WELL
AS THE VOLUME OF WATER CLAIMED.

☒ I am providing legal and factual documentation to support my amended Notice of Claim.
You must describe these documents and attach a readable copy.

SEE ATTACHED FACTUAL HISTORY STATEMENT SUPPORTING
THIS CLAIM

I have attached:

☒ A fully completed amended Notice of Claim (available from IDWR).

☐ Any additional claim filing fee required pursuant to I.C. §42-1414(2). To determine this amount, contact IDWR at (800) 451-4129.

I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ _____.



(Signature of person filing motion)

(Attorney signing in representative capacity)

INSTRUCTIONS FOR MAILING

You must mail this motion to the Clerk of the court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

CERTIFICATE OF MAILING

I certify that on April 19, 2019, I mailed the original and copies of this motion, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Coeur d'Alene-Spokane River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. One copy to each party involved in the Subcase, including the claimant, all objectors, respondents and any party granted participation. Attach a list of names and addresses.

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

United States Department of Justice
Environment & Nat'l Resources Div
550 W Fort Street, MSC 033
Boise, ID 83724

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 83720
Boise, ID 83720-0010

Signature of Movant or attorney
mailing on Movant's behalf

FACTUAL HISTORY OF WATER USAGE
AT CEDAR MOUNTAIN FARM
IN SUPPORT OF CLAIM # 95-9793

This property originally (early 20th century) had a water right from a diversion ditch off of Sage Creek that used another ditch to get the water back to this property. We do not know how long this method was used. When the property was purchased by our family in 1950, it was not being irrigated, but soon (early 1950s) a pipeline system was purchased and the land was irrigated with water pumped directly from Sage Creek when water was available. This continued until the early 1990s when lightning hit the system destroying the pump motor, and phase converter (single phase power available to a 3 phase motor), and Kootenai Electric transformer. The transformer was replaced and is still in place, but the phase converter and motor were too expensive to replace. Later the motor was repaired, but the phase converter could not be economically replaced.

Since about 2001 the ag land has been leased out to a local farmer who has been producing hay on the hayland on a share basis. We would both like to use irrigation on this land and the market for hay is favorable to that, but we are limited because of the lack of irrigation on this land. The changing weather patterns further limit crop production since drier summer weather curtails crop growth. We are reluctant to invest in irrigation equipment without the needed water right, though, to supply the need.

We are the largest ag land producer on Sage Creek, and we hope to keep the farm together as one parcel that will benefit this part of the state and region. Irrigation for this parcel is a crucial part of the puzzle to bring this about.

Allan D. Kyle, Claimant