



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

BRAD LITTLE
Governor

GARY SPACKMAN
Director

January 29, 2019

TIMOTHY A WATSON
32 WATSON WAY
BLANCHARD ID 83804

SUBJECT: Notice of Error Response for Notice of Claim to a Water Right Number 95-9676

Dear Mr. Watson:

In regard to the Notice of Error that you filed on the above water right in which you would like to:

1. Remove Grace Ellen Dolly's property from the list of irrigated acreage
 2. Change the parcel numbers of the place of use
 3. Add additional points of diversion
 4. Add additional acreage
 5. Expand the season of use
-
1. We are unable to remove Ms. Dolly's property from the list of irrigated acreage as removing this portion would indicate that they are no longer irrigating this parcel. The claim was filed showing irrigation was occurring on the property. It has not been shown when the irrigation ceased or how long the parcel has not been irrigated.
 2. The parcel numbers have been changed to represent the place of use, as claimed. This change reflects the parcel number changes, not a change in place of irrigated acreage.
 3. We were unable to add the additional points of diversion because we did not have evidence of the date that these new diversions were added. Any changes that occurred after January 1, 2006, will need to be made through the transfer process.
 4. We were unable to add the additional acreage over the licensed amount of 44 as 33.3 is what was claimed. For irrigated acreage which constitutes a change in the original place of use we need information supporting that the change occurred prior to January 1, 2006; which we did not receive. A transfer is necessary for changes that occurred after that date. For irrigation over the licensed amount; you will need to appropriate a new water right.
 5. The Department has determined season of use using several variables including latitude, elevation and beneficial use. A change in season of use can not constitute an enlargement of the right. Consequently, we are unable to change the season of use.

One additional item – when the claim was filed an additional point of diversion was claimed in the SWSW of Section 8, T54N R5W. Information from the water right file, along with topography maps, show that this stream sinks in the NWSW, Section 8, T54N R5W. Consequently, we were unable to recommend the diversion in the SWSW, Section 8, T54N R5W.

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.

SCANNED
JAN 29 2019

January 29, 2019

Please feel free to contact me if you have any questions. I can be reached at (208) 762-2800. Also, information relative to this claim file may be viewed at www.idwr.idaho.gov.

Sincerely,

A handwritten signature in cursive script that reads "Linda A. Werner".

Linda A. Werner
Water Resource Agent, Sr.

Enclosure: Preliminary Recommendation for Claim 95-9676

SCANNED
JAN 29 2019