



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region • 7600 N. Mineral Drive, Suite 100 • Coeur d'Alene, Idaho 83815-7763
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C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

April 30, 2019

JOHN MAC DONNELL BARB
16322 W RIVERVIEW DR
POST FALLS, ID 83854

COPY

RE: Reply Letter for Coeur d'Alene-Spokane River Basin Adjudication (CSRBA) Claim Nos. 95-14895 & 95-14896

Dear Claimant,

The Idaho Department of Water Resources has reviewed the reply letter and additional material you sent regarding the above referenced water right claims. We are unable to make the requested revisions to your claim recommendations at this time for the following reasons:

- The Notice of Claim to a Water Right identified with the number 95-14895 was filed for the use of groundwater for domestic purposes in one home with a claimed priority date of October 31, 2002. The total diversion rate claimed was 0.02 CFS. In your letter, you requested that additional water be allocated to you under this right for a second home. Kootenai County records and aerial photos indicate only one home on the claimed parcel (0L2250010010).
- The Notice of Claim to a Water Right identified with the number 95-14896 was filed for the use of groundwater for domestic purposes in one home with a claimed priority date of August 17, 2000. The total diversion rate claimed was 0.02 CFS. In your letter, you also requested additional water be allocated to you under this right for a second home. Kootenai County records and aerial photos indicate only one home on the claimed parcel (004950010020) at the time of filing, and a second home constructed in 2016. For the second home to be included with this water right, an Amended Notice of Claim would have to be filed describing the use for two homes, and the priority date would then be changed to the date the second home was completed and connected to the well. Additionally, the right would include a combined use limit between the two homes. A new Notice of Claim to a Water Right for the second home would allow for an independent diversion limit while also allowing the claim originally filed for the first home to retain its earlier priority date. The parcel number listed under "Explanatory Conditions" has been corrected as requested.

The daily use limit of 13,000 gallons per day was set forth in Idaho Code § 42-111 (1)(a) for de minimis domestic uses and cannot be increased. The current recommendation of your claims for domestic purposes includes in home use and lawn/garden irrigation of up to ½ acre. If additional water is needed beyond what is currently recommended, an Application for Permit should be filed.

Your mailing also included a new Notice of Claim to a Water Right for your recently acquired property. As the Director's Report has already been submitted to the Court for this area, the Notice of Claim cannot be accepted and must be filed directly to the Court along with a Motion to File Late Notice of Claim (Standard Form 4). For your convenience, I have created a claim subcase number for this claim (95-17809), which will be needed when filing your motion with the Court. The priority date claimed may have been in error as it is also the date you signed the document and does not match the attached well log. Lastly, the claim describes domestic use for 2 homes. Kootenai County records and aerial photos reflect only one home on the claimed parcel (50N05W180375).

SCANNED

APR 30 2019

For your convenience, I have enclosed a Motion to File Late Notice of Claim along with instructions. If you have any further questions or concerns, do not hesitate to contact our office and we will be happy to help. We can be reached by phone during business hours at 208-762-2800.

Sincerely,



Evan W. Roda
Water Rights Supervisor
Northern Region

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Enclosures: Returned Notice of Claim to a Water Right, Standard Form 4 – Motion to File Late Notice of Claim with Instructions

SCANNED
APR 30 2019