

MEMORANDUM

DATE: December 27, 2018
TO: Claims 91-8021, 91-8022, 91-8023, 91-8024 and 91-8025
FROM: Sandra Thiel
Subject: Claim Review

On October 18, 2018, the US Forest Service submitted five claims for the domestic use of ground water. A well driller's report attached to the claim indicates a well in Lot 3 (NENW) of Section 14, Township 45 North, Range 4 East, was drilled in 1965 for the claimed place of use. This well distributes water through pipelines to buildings at the US Forest Service Avery Ranger Station at Hoyt Flat. All uses at this administrative site are domestic and are supplied through this well. Existing right 91-7631, for domestic use from the well, was decreed in November 2015 under Idaho Code 42-111 Part B with a limit of 2,500 gallons per day.

Claims 91-8021, 91-8022, and 91-8023, for three separate dwellings, claimed the priority date October 1, 1967. Imagery confirmed that the ranger house, assistant ranger house and the fire control house were built in 1967. Each is a full time residence with a yard. Claims 91-8023 and 91-8022 were disallowed because they do not represent additional incremental development. The place of use for both was recommended as part of 91-8021.

Claims 91-8024 and 91-8025 claimed the priority date October 1, 1984. Imagery confirms that the Duplex and 6-Plex were built in 1984. They are fully developed residences and are frequently, if not permanently occupied. By itself, 91-8025 does not represent additional incremental development and was disallowed. The place of use identified by claim 91-8025 was recommended as part of 91-8024.

The domestic use recommendations for 91-8021 and 91-8024 will each include up to a half an acre of irrigation. The three houses under claim 91-8021 appear to irrigate close to 1 acre. The US Forest Service should file and *Application for Permit* for the half acre not covered under recommendation 91-8021.

Recommendations 91-8021 and 91-8024 will not include a 13,000 gallons per day combined use limit. The claimed priority date of October 1, 1984, predates the stacking prohibition found in Idaho Code 42-111(3).