



State of Idaho

DEPARTMENT OF WATER RESOURCES

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BRAD LITTLE
Governor

GARY SPACKMAN
Director

July 16, 2019

JANIE NIRK
1010 S BRINCKEN RD
POTLATCH ID 83855

RE: EVIDENCE OF PRIORITY

Dear Mrs. Nirk:

We met on May 14th in Moscow at the Palouse River Basin Adjudication (PRBA) mobile office. At that time you filed three Notices of Claim to a Water Right (Notice) 87-10291, 87-10292 and 87-10293. The Notices indicate water use is based on *Beneficial Use*. Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed, at or on the place of use identified on the Notice. The date the water was first put to use is known as the priority date. This date has not been confirmed by a License, Decree, or Permit for these Notices. For this reason, you must submit proof supporting the priority date. **As the claimant, you are responsible for submitting the necessary proof to support the priority date.**

You claimed a priority date of 1918 for domestic and stockwater under 87-10291. I was unable to confirm that date with either a well log or a year built for the parcel. However, the parcel year built for the domestic is 1926. That date will be recommended to the court for Notice 87-10291. You Claimed 1970 for 87-10292. I am unable to find evidence supporting that priority date. Also, you claimed 1940 for 87-10293. I located a well log dated September 26, 1987.

For your reference, I have provided a printout of your Claim and the pamphlet entitled ***Evidence of Priority***. The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement. While I encourage you to read the entire pamphlet, I direct your attention to the two sections entitled **“What Kind of Evidence is Required”** and **“Some examples of Documents Which May Be Evidence of the Priority Date”**.

It is our goal to recommend historical water rights within the PRBA as accurately as possible. The Department cannot recommend the Notice be decreed by the court if no evidence of a priority date is submitted. **PLEASE NOTE:** the Idaho Department of Water Resources will recommend the Court decree the claim disallowed if no evidence of the priority date and of the historic use is submitted. It will be to your advantage to provide clear and convincing evidence. If you choose to submit statements from individuals as evidence, the statement should be in the form of a notarized affidavit.

Enclosure: Brochure on "Evidence of Priority"
Notice of Claim 87-10292 and 87-10293