



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 E Front Street, Suite 648 • PO Box 83720 • Boise ID 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700

Website: idwr.idaho.gov • Email: idwrinfo@idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

July 23, 2020

George Lisher
1080 Lisher Cutt Off
Potlatch, Idaho 83855-9632

RE: Evidence of Priority Date
Claim number 87-11254

Dear Mr. Lisher:

The Idaho Department of Water Resources (IDWR) is in the process of reviewing claims filed in the Palouse River Basin Adjudication. The notice of claim referenced above 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, known as the priority date, has not been confirmed by a license, Decree, or Permit. For this reason, proof must be provided supporting the priority date.

During our review, IDWR was not able to verify the claimed priority date of 1905. Based on Latah County tax records indicating the earliest build-date for a house, IDWR can support recommending a priority date of 1935. If you disagree with the proposed priority date, then additional information will be required. Please submit the documentation supporting the claimed priority date by **August 10, 2020** **referencing all documents with the corresponding claim number.** Enclosed you will find the pamphlet entitled "Evidence of Priority." The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement.

We also found a discrepancy on the season of use which, as claimed, would not authorize using water on December 31. In order for us to change the date from 12/30 to 12/31, we need your approval. **This can be accomplished by signing the Preliminary Recommendation and returning it to our office.** I have enclosed is a copy of the preliminary recommendation for your water right.

If you have any questions not covered by this letter or the enclosed pamphlet, please feel free to contact me at (208) 287-4872 or email glen.gardiner@idwr.idaho.gov.

Sincerely,

Glen Gardiner
Water Allocations – Analyst 3

Enclosure: Brochure on "Evidence of Priority"
Preliminary Recommendation for 87-11254

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 87-11254

NAME AND ADDRESS: GEORGE LISHER
1080 LISHER CUT OFF
POTLATCH ID 83855-9632

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.010 CFS

The quantity of water under this right shall not exceed 13,000 gallons per day.

PRIORITY DATE:

01/01/1935

Initial

X

POINT OF DIVERSION: T41N R05W S12 SWNE Within LATAH County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

DOMESTIC

01/01

12/30

0.010 CFS

STOCKWATER

01/01

12/30

0.010 CFS

Domestic use is for 1 home.

PLACE OF USE:

STOCKWATER in LATAH County

T41N R05W S12 SWNE

DOMESTIC in LATAH County

T41N R05W S12 SWNE

change period of use to 12/31.

X

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

The quantity of water decreed for this water right is not a determination of historical beneficial use.

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Idaho Code § 42-1412(6).

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Stockwater use is for 15 cattle.

Parcel No. RP41N05W121342A

such use **ONLY** as the date the statutory claim was filed –**NOT** as of the priority date claimed either in the statutory claim or the notice of claim filed in the Adjudication

Complete pamphlet included.

2. **POSTED NOTICES.** The posted notice may be evidence of a priority date as of the date the notice was posted, but **ONLY IF** some evidence is submitted showing completion of the appropriation within a reasonable time after posting of the notice.

**WHAT WILL HAPPEN IF
EVIDENCE OF THE PRIORITY
DATE IS NOT SUBMITTED?**

IDWR will not recommend the claim to be decreed by the court if no evidence of the priority date is submitted. If proof is submitted but it supports a year of priority later than the year claimed, then a later year will be recommended.

CALL TOLL-FREE

1-800-451-4129

IDAHO DEPARTMENT OF WATER
RESOURCES ADJUDICATION BUREAU
STATEHOUSE MAIL
BOISE IDAHO 83720-0098
(208) 287-4800

EVIDENCE OF PRIORITY

A GUIDE TO SOURCES
WHICH MAY
CONSTITUTE PROOF
OF THE PRIORITY
DATE OF YOUR WATER
RIGHT

