

Holmes, Christopher

From: Holmes, Christopher
Sent: Friday, October 2, 2020 12:51 PM
To: 'etlinskey@gmail.com'
Subject: Water Right Claim 87-11773
Attachments: 87-11773 Notice of Claim.pdf

Good afternoon,

I am emailing you in regards to our phone conversation this morning. The reason I called was regarding the well location and the use occurring from the well. The water right claim was claimed for Irrigation use, from 1/1 to 12/31. During our conversation, you told me that the home is supplied by the city, and the well is used for lawn/garden irrigation. According to Idaho Code 42-111(a), water used in connection with a home, including up to ½ acre of irrigation and using less than 13,000 gallons per day, can be classified as Domestic use. According to county assessor data, I estimate your property to be a total of .6 acres, or .49 irrigatable acres.

Because of this, you can amend the claim for Domestic use. Even though the home is supplied by municipal water and the well is solely used for watering the lawn/garden, it is used in connection with the original home's Domestic use to irrigate less than ½ acre. If you choose to do this, I will use county assessor year built date information as priority date evidence. If you choose to keep the claimed use as Irrigation, I will require you to provide additional priority date evidence. Also, you mentioned the well supplies both you and the Condotta's property, totaling greater than .5 acres of irrigation which would not fall under the Domestic use. According to Idaho Code 42-1402, water rights are appurtenant to land the water is being used on. Because the use has been/is occurring on two separate parcels under different ownerships for different homes, it is appropriate that there are two separate water right claims filed. One well itself can supply multiple different water rights. In this case, the one well supplies the Condotta's Domestic use which is less than .5 acres of irrigation, and the well supplies your use which is less than .5 acres of irrigation.

I attached a copy of the Notice of Claim 87-11773 for reference.

If you have any other questions feel free to contact me. If I don't hear back from you in the next week or two, I will call you back to check in.

Sincerely,

Christopher Holmes

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