



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

January 21, 2021

MARK DAVIS/MAXDOT LLC
1181 DUFFIELD FLAD RD
POTLATCH, ID 83855

RE: Palouse River Basin Adjudication (PRBA) Claim No. 87-10226
Evidence of Priority & Information Request

Dear Mr. Davis:

The Idaho Department of Water Resources (IDWR) recently reviewed Notice of Claim to a Water right 87-10226. Notice of Claim 87-10226 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. **As the claimant, you are responsible for submitting the necessary proof to support the priority date.**

Claim 87-10226 proposes a priority of 08/01/1944 from groundwater for domestic use at 1 home as well as stockwater for 25 head of cattle. The claim included an attachments showing information for parcel No. RP42N05W303000, which Lucretia Davis currently owns. The claim document go on to state that water was piped from a well, located on parcel No. RP42N05W302450, to Max Davis's property at 1181 Duffield Flat Rd. (Parcel No. RP42N06W251805. However, the parcel which you claim the well is on (RP42N05W302450) do not have a year build date. Rather, the 1944 build date is associated with Lucretia Davis's parcel No. RP42N05W303000. Due to lack of historical and other available data, the Department is not able to verify the claimed priority date in 1944.. **Please provide additional information to support the claimed priority date and claimed domestic and stockwater beneficial uses.**

It is important that each element of the Notice be substantiated. For instance, regarding claims for domestic, the evidence should tend to show that structures were in place and that the diverted water was beneficially used on the entire claimed place of use on or before the claimed priority date.

For your reference, I have provided a printout of your Notice and the pamphlet entitled "**Evidence of Priority**". The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement. I would 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**".

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The Department can not recommend the Notice be decreed by the court if no evidence of a priority date is submitted.
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Please submit the documentation supporting the priority date within 4 weeks; by **February 18, 2021**. **Also, please include the corresponding Notice number (87-10226) with all relevant documents.** If you have any questions not covered by this letter or the enclosed pamphlet, please feel free to contact me at (208) 287-4913.

Respectfully,



Alex Dagleish

Senior Water Resource Agent

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208.287.4913

Enclosures: Brochure on "Evidence of Priority"
 Copy of Notice of Claim 87-10226