



State of Idaho

DEPARTMENT OF WATER RESOURCES

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BRAD LITTLE
Governor

GARY SPACKMAN
Director

October 23, 2020

MARY FAUCI & KEITH SMITH
1117 EID RD
MOSCOW ID 83843

RE: Palouse River Basin Adjudication claim 87-11646 Violation of the Mandatory Permit Statute

Dear Claimant(s):

The Idaho Department of Water Resources (IDWR) is currently in the process of reviewing adjudication claims in your area. Initial review of your claim indicates the priority date claimed is in violation of the Mandatory Permit Statute for the water source and purpose of use claimed.

The permit system for establishing a water right became mandatory for uses developed from ground water after March 25, 1963 (except for domestic purposes as defined by Idaho Code §42-111), and for uses developed from surface water after May 20, 1971 (except for watering stock directly from streams).

The claim you submitted indicated two sources, Groundwater and Surface Runoff. The priority date claimed indicates that the use of water for the purpose claimed from the surface water source began after May 20, 1971. Because a water right was not previously established under the permit system, an "Application for Permit" form should be filed instead of including a surface water source on this claim. The groundwater source is still within the allowable exceptions for a domestic use as defined by Idaho Code §42-111, Idaho Code when sourced from groundwater, and this portion of the claim will be recommended.

Additionally, the submitted claim indicated the water is used for household use, livestock, and irrigation of a garden and small orchard. In examining the property in aerial imagery, it appears there is upwards of 1.5 acres of irrigation occurring on the property amongst the garden and orchard area. A domestic use as defined under Idaho Code §42-111 allows for in-home use, stockwater use, and irrigation of up to a half-acre of land, as long as the combined use is not in excess of 13,000 gallons per day. Because your groundwater use will be recommended under this definition, if you are irrigating more than a half-acre of land, this should be addressed in your new permit application by listing the use as irrigation describing the full amount of acres irrigated in the place of use description.

An Application for Permit form with instructions is enclosed. You may also access the Application for Permit form as a "fillable" PDF file on IDWR's website under Water Right Forms at the URL shown below.

http://www.idwr.idaho.gov/RulesStatutesForms/WaterRights/PDFs/Application_for_Permit.pdf

Please do not hesitate to contact me at 208-287-4915 or scott.storms@idwr.idaho.gov you have any questions or concerns.

Sincerely,

Scott Storms
Water Resource Agent, Senior
scott.storms@idwr.idaho.gov

Enclosure(s): Application for Permit form w/instructions