



State of Idaho

DEPARTMENT OF WATER RESOURCES

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BRAD LITTLE
Governor

GARY SPACKMAN
Director

June 28, 2021

EDWARD A ROSE JR
11611 W LANKTREE GULCH RD
STAR ID 83669

Re: Notice of Claim to a Water Right
Motion for Determination of Deferred De Minimis Domestic and Stock Water Use

Dear Mr. Rose,

The Idaho Department of Water Resources (IDWR) received your **Notice of Claim to a Water Right** in the Snake River Basin Adjudication and a \$25 filing fee, although it was filed on the claim form for the Coeur D'Alene-Spokane River Basin Adjudication, which we are returning. We have generated a new claim form for you based on information you submitted, with highlighted items for you to complete before resubmitting your claim.

The Final Unified Decree for the Snake River Basin Adjudication (SRBA) was signed on August 25, 2014. However, because filing claims on certain *de minimis* water uses could be deferred, the SRBA court established a process to adjudicate those previously deferred water right claims after the issuance of the Final Unified Decree.

In order to move forward to have your domestic and stockwater water use adjudicated, you must start the process by submitting your claim to the SRBA court with a completed *Motion for Determination of Deferred De Minimis Domestic and Stock Water Use* (enclosed). We are returning the packet you submitted along with a receipt for the \$25 filing fee¹.

When you submit the motion and claim to the SRBA court, you will need to reference a claim number (also referred to as the Subcase Number). We have generated a claim number for you to use: **63-35068**

A fairly detailed explanation of the process for filing a *Motion for Determination of Deferred De Minimis Domestic and Stock Water Use*, can be found on the enclosed document titled **Deferred De Minimis Domestic and/or Stockwater Use and the Process for Filing Deferred Claims in the Snake River Basin Adjudication (SRBA)**.

¹ If you choose to continue with the process and submit a *Motion for Determination of Deferred De Minimis Domestic and Stock Use* to the court, you can submit the receipt in place of the required \$25 fee. If you choose not to continue on with the process, please let us know and IDWR will refund the \$25.

We encourage you to read the document and go online at <https://idwr.idaho.gov/water-rights/adjudication/SRBA/stockwater.html> to see the related documentation. However, we will briefly summarize the process below:

- 1) The claimant must file the motion with a completed claim and \$25 filing fee (or receipt) to the court.
- 2) The claimant must publish a notice of the pendency and purpose of the motion (notice) once a week for not less than three (3) weeks in a newspaper of general circulation in the county in which the point of diversion is located.
 - I have enclosed several examples of advertising formats
- 3) At the end of the advertising period, the claimant files an Affidavit of Publication with the SRBA Court evidencing that they have caused to be published in the appropriate newspaper the required notice, the Court will set a hearing on the motion for determination of the claim.
- 4) From the first date of publication of the advertisement, someone has 45 days to object.
- 5) Within 30 days of the 45 day deadline, IDWR will notify the court of when they will conduct an examination and prepare a Director's Report for submission to the SRBA court. IDWR will provide the claimant with an estimate of the costs that will be incurred in conducting the examination and of preparing the report and how much it will cost.
 - Fees for review of the claim are in addition to the \$25 claim fee paid.
- 6) IDWR sends a recommendation to the court (Director's Report).

Sincerely,



Lori Harris
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