

NOTICE OF ERROR
REPLY

RECEIVED
JUN 08 2021
DEPARTMENT
OF WATER RESOURCES

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: 6/25/2021

Water right number: 87-10632

ANDERSON 1021 LLC
1021 BIRDSONG LN
MOSCOW ID 83843
Telephone Number:

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

No lawful appropriation.

2. Describe the changes you wish to make in the proposed recommendation:

THIS WATER USE HAS A VALID LICENSE
NO. 07-7048 ATTACHED.

3. Give a brief explanation as to why you disagree with these portions:

ATTACHED EMAIL DATED 11/15/2020 Explains
that Ms. Werner is Confused about the location
OF the pond. MAP ATTACHED

I AGREE with this proposed recommendation: no changes need to be made.

DATE:

6/4/2021

SIGNATURE:

Pamela A Smallwood

Please print your name:

Pamela A Smallwood

IDWR Regional Office, 7600 N MINERAL DR STE 100, COEUR D ALENE, ID 83815-7763, (208) 762-2800

SCANNED
JUN 08 2021

POND

04/13/2021

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

RIGHT NUMBER: 87-10632

87-7048

NAME AND ADDRESS: ANDERSON 1021 LLC
1021 BIRDSONG LN
MOSCOW ID 83843

RECEIVED

JUN 08 2021

DEPARTMENT
OF WATER RESOURCES

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

No lawful appropriation shown.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

No lawful appropriation shown: There are a number of circumstances in which a claim is proposed to be disallowed on this basis. This is most commonly included for a claim based on beneficial use or posted notice that is proposed to be disallowed because the right claimed is not within an exception to the mandatory permit statute, and beneficial use of water prior to the mandatory permit statute was not confirmed. This is also included where a claim is proposed to be disallowed because the claim is to water that is not public water subject to appropriation. This is also included where a right was determined not to exist in a prior adjudication.

Parcel No. RP40N05W172127

WATER RIGHT LICENSE

THIS IS TO CERTIFY, that W.E. &/or Marcia M. Anderson
of Moscow, Idaho, has complied with the terms and conditions of Permit
No. 87-7048 issued pursuant to Application for Permit dated July 18, 1978,
and has submitted proof to the Department of Water Resources on August 17, 1983,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 1.5 acre feet of water from unnamed stream (run-off),
tributary to sinks, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Subject, however, to the condition that no more than 1.5 acre feet of water be diverted at any one time, and that the amount of water so diverted and to which such right is entitled and conferred is for the purpose aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed 1.5 acre feet per year, said waters to be diverted within the SE 1/4 NE 1/4 Section 17, Twp 40N, Rge 5W in the County of Latah

[illegible]

Total number of acres irrigated _____

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use herein described, and is subject to all prior water rights, as provided by the laws of Idaho. *11 T4*

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 4th day of April, 1984.

Acting for the Director

Norm C. Young
Director

Pamela Smallwood

From: Pamela Smallwood
Sent: Sunday, November 15, 2020 5:21 PM
To: Werner, Linda
Subject: RE: Claim # 87-10577 & 87-10632 Anderson 1021 LLC

Hi Linda,

Re: 87-7048 and 87-10632 – Pond - I used your instructions, printed and read the 25 page WaterRight Backfile 87-7048.

The Approved Application for Permit refers to a 17 foot dam and about 10 horses to be watered. The Water Right Beneficial Use Field Report refers to a 1/3 acre surface area pond and one horse that is present. Our horse was inside the fenced 15 acre pasture where the large Anderson pond is located. Latah County Parcel Assessment RP40N05W172127

The Latta pond is one third the size of the Anderson pond, was never fenced and is not located where it can be used by livestock. It is divided by the property line. We recall that original owners built this pond prior to ours to irrigate their vegetable garden.

Both ponds are in the SE¼ of the NE¼ of Section 17. Absent landmarks on the ground, or a survey description, the inspector could have only guessed at the location he placed on the map.

My father was an attorney and would not claim a pond that was not on his property. I respectfully request you approve application 87-10632 based on the above facts referenced in the existing documents.

Best regards,

Pamela Anderson Smallwood
Pamela.smallwood@enbridge.com
Cell: 713-823-3978

From: Werner, Linda <Linda.Werner@idwr.idaho.gov>
Sent: Thursday, November 12, 2020 10:32 AM
To: Pamela Smallwood <Pamela.Smallwood@enbridge.com>
Subject: [External] RE: Claim # 87-10577 & 87-10632 Anderson 1021 LLC

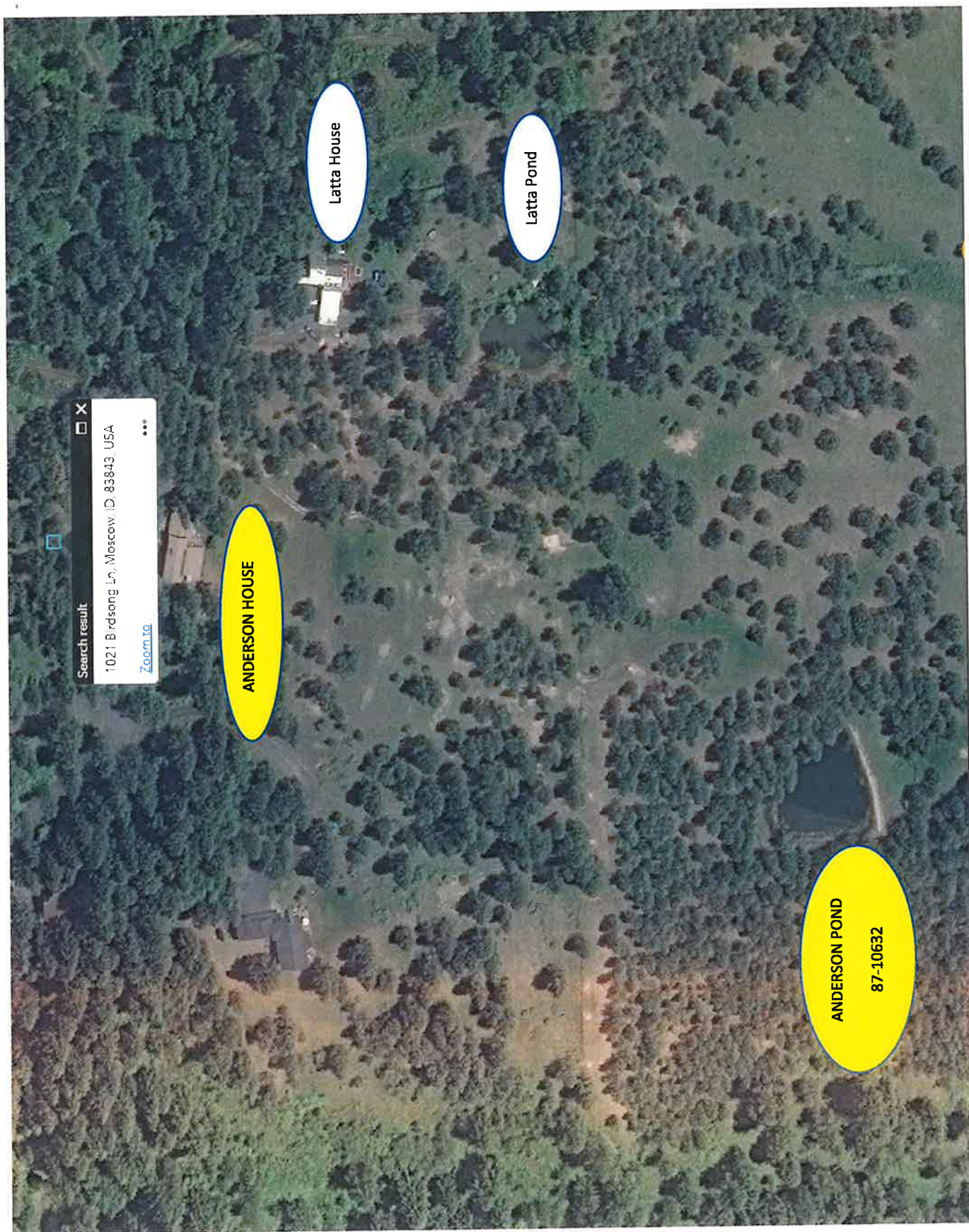
Hi Pamela,

I believe that license 87-7048 is for the Latta pond. I'm basing this information on the beneficial use exam data from that file.

You can view this on our web site at www.idwr.idaho.gov. I'm enclosing a cheat sheet to help you navigate it. When you get there go to the "more options" and then "documents". And then take a look at that permit application, specifically the map and see what you think.

You can also view the status of water right claims 87-10577 & 87-10632.

If you have questions and want to go through it together send me an email with a time and we'll do a phone appointment.



Identification No. _____

Application No. 87-7048

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT APPROVED

To Appropriate the Public Waters of the State of Idaho
(TYPE OR PRINT IN INK)

882-4536 - office

1. Name of applicant W E &/or Marcia M Anderson Phone: 882-4185-Res
post office address Rt 2 Box 285N, Moscow, Id 83843

2. Source of water supply run-off which is a tributary of _____

3. a. Location of point of diversion is SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 17 Township 40N
Range 5W B.M. Latah County; additional points of diversion if any: _____

b. If water is not consumed, it will be discharged into _____ at a point in _____ $\frac{1}{4}$
of _____ $\frac{1}{4}$ of Section _____ Township _____ Range _____ B.M. _____

4. Water will be used for the following purposes:

* $\rightarrow$ Amount 10 AF for stock purpose from Jan 1 to Dec 31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated:

a. 10AF cubic feet per second and/or

b. _____ acre feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. _____

* $\rightarrow$ dam & pond

* $\rightarrow$ b. Height of storage dam 17 feet, active reservoir capacity 10 acre feet; total reservoir capacity 10 acre feet, materials used in storage dam: _____

Period of year during which storage will occur Jan 1 to Dec 31 inclusive.
(Mo. Day) (Mo. Day)

c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.

7. a. Time required for the completion of the works and application of the water to the proposed beneficial use is 5 years.

b. Estimated construction cost is \$ _____.

8. Description of proposed uses:

a. If water is **not** for irrigation:

(1) Give the place of use of water: SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 17 Township 40N

State of Idaho
DEPARTMENT OF WATER RESOURCES
WATER RIGHT BENEFICIAL USE FIELD REPORT

OCT 7 1983

87-7048

Permit No.

Department of Water Resources

CONTACT WITH PERMIT HOLDER

	DATE	INITIALS	REMARKS
☐ Appointment letter mailed:			
☐ Telephone call made (List Telephone No. used)			
☐ Appointment scheduled for: (Date, time, location)			

EXAMINATION

Date 9/7/83 Accompanied by Total Q measured 0
 Source Sawmelt Runoff Tributary to Sinks ✓ Supp. annubar measurement sheet used?
 If source is surface water, estimate total flow of source 0
 Methods of measurement Estimate Meets permit requirements? Yes

Measurement calculations: $V = (9ft)(13ac)(0.5) = 1.5 AF$

WELL/DIV. NO.*	HP	MOTOR MAKE	MOTOR SERIAL NO.	PUMP MAKE	PUMP SERIAL NO.	MEASURING DEVICE TYPE	CONDITION OF MEAS. DEVICE	REMARKS

* System Description 13ac surface area pond. Dam is 9ft high. One horse present, although more may be in area. Stock drinks directly from pond

*Code with map on reverse side. Disregard code if only one.

RECOMMENDED AMOUNTS

USE	Irrigation requirement =		AFA/Acre	
	Q (cfs)	V (afa)	FROM	TO
<u>Storage for stock</u> ✓	<u>N/A</u>	<u>1.5</u> ✓	<u>1-1</u> ✓	<u>12-31</u> ✓
Total	<u>N/A</u>	<u>1.5</u>		

Remarks

UNPROCESSED