

Holmes, Christopher

From: Holmes, Christopher
Sent: Thursday, July 15, 2021 3:18 PM
To: 'Kevin Muir'
Subject: RE: Claim
Attachments: PreliminaryDirectorReport_87-11563.docx; PreliminaryDirectorReport_87-12294.docx

Good afternoon,

Attached to this email are copies of the updated preliminary recommendation for 87-11563 and the recommendation for new claim 87-12294. If you have any questions or concerns, feel free to reach out to me.

Sincerely,

Christopher Holmes

Christopher Holmes
Water Resource Agent
Idaho Department of Water Resources, Northern Region
7600 N. Mineral Drive, Suite 100
Coeur d'Alene, ID 83815-7763
Phone (208) 762-2810
Fax (208) 762-2819
Christopher.holmes@idwr.idaho.gov

From: Kevin Muir [mailto:kevinmuir@msn.com]
Sent: Monday, July 12, 2021 5:22 PM
To: Holmes, Christopher <Christopher.Holmes@idwr.idaho.gov>
Subject: Re: Claim

Yes, please, email copies of both recommendations when completed would be appreciated.

Thank you very much.

Kevin Muir

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From: Holmes, Christopher <Christopher.Holmes@idwr.idaho.gov>
Sent: Monday, July 12, 2021 10:49:45 AM
To: Kevin Muir <kevinmuir@msn.com>
Subject: RE: Claim

Good morning,

Yes, I did receive your paperwork. I have completed the preliminary recommendation for it, and I am just waiting for my supervisor's review. When his review is complete, I can email you a copy of both claim recommendations if you would

07/15/2021

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

RIGHT NUMBER: 87-11563

NAME AND ADDRESS: DENISE MUIR
PO BOX 1346
FREEDOM CA 95019

KEVIN MUIR
PO BOX 1346
FREEDOM CA 95019

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.020 CFS

The quantity of water under Right Nos. 87-11563 and 87-12294 shall not exceed 13,000 gallons per day.

PRIORITY DATE: 11/06/2014

POINT OF DIVERSION: T40N R04W S3 NWNE Lot 2 Within LATAH County

PURPOSE AND

PERIOD OF USE:	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	DOMESTIC	1 /1 12/31	0.020 CFS

Domestic use is for a shophouse.

PLACE OF USE:

DOMESTIC in LATAH County
T40N R04W S03 Lot 3 NENW

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

The quantity of water decreed for this water right is not a determination of historical beneficial use.

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Idaho Code § 42-1412(6).

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Right No. 87-12294 is also diverted through the point of diversion described above.

Parcel No. RP40N04W030682

07/15/2021

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

RIGHT NUMBER: 87-12294

NAME AND ADDRESS: DENISE MUIR
PO BOX 1346
FREEDOM CA 95019

KEVIN MUIR
PO BOX 1346
FREEDOM CA 95019

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.020 CFS

The quantity of water under Right Nos. 87-12294 and 87-11563 shall not exceed 13,000 gallons per day.

PRIORITY DATE: 12/31/2019

POINT OF DIVERSION: T40N R04W S3 NWNE Lot 2 Within LATAH County

PURPOSE AND

PERIOD OF USE:	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	DOMESTIC	01/01 12/31	0.020 CFS

Domestic use is for 1 home.

PLACE OF USE:

DOMESTIC in LATAH County
T40N R04W S03 Lot 3 NENW

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

The quantity of water decreed for this water right is not a determination of historical beneficial use.

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Idaho Code § 42-1412(6).

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Right No. 87-11563 is also diverted through the point of diversion described above.

Parcel No. RP40N04W030682

like. If not, you will receive copies of these recommendations when the Court sends them out for a second review. Thank you for letting me know to contact you by email. If you have any other questions, feel free to reach out to me.

Sincerely,

Christopher Holmes

Christopher Holmes
Water Resource Agent
Idaho Department of Water Resources, Northern Region
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Phone (208) 762-2810
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Christopher.holmes@idwr.idaho.gov

From: Kevin Muir [<mailto:kevinmuir@msn.com>]
Sent: Sunday, July 11, 2021 9:30 PM
To: Holmes, Christopher <Christopher.Holmes@idwr.idaho.gov>
Subject: Re: Claim

Hi Chris,

I was just making sure you received our paperwork. We are still not getting out mail so if I need to do something please let me know by email.

Kevin

From: Holmes, Christopher <Christopher.Holmes@idwr.idaho.gov>
Sent: Friday, July 2, 2021 8:46 AM
To: Kevin Muir <kevinmuir@msn.com>
Subject: RE: Claim

Good morning,

Sorry I did not reply to your message yesterday, I was not in the office. Yes, I will recommend the first claim, 87-11563, for the shop and the second one that you are working on for the home.

Sincerely,

Christopher Holmes

Christopher Holmes
Water Resource Agent
Idaho Department of Water Resources, Northern Region
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Fax (208) 762-2819

Christopher.holmes@idwr.idaho.gov

From: Kevin Muir [<mailto:kevinmuir@msn.com>]
Sent: Thursday, July 1, 2021 9:07 AM
To: Holmes, Christopher <Christopher.Holmes@idwr.idaho.gov>
Subject: Re: Claim

Ok. So I am filing for the house now and when you receive it you will change our first one to the shop?

Thank you.

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From: Holmes, Christopher <Christopher.Holmes@idwr.idaho.gov>
Sent: Tuesday, June 29, 2021, 9:56 AM
To: Kevin Muir
Subject: RE: Claim

Good morning,

Yes, you can file a separate claim for the house. It is not too late to do this, but in late July/early August we will be sending the claim recommendations to the Court in what's called the Director's Report. Once this happens, any additional claims are called Late Claims, and require a Motion to File a Late Claim form to be submitted along with the regular claim form. So the sooner the new claim is submitted the better.

Attached to this email is a Notice of Claim to Water Right form and instructions. Send the new claim and \$25.00 fee to the address below. Once I receive the new claim, I will recommend the home and shop separately. However, until then the recommendation for 87-11563 will not change.

If you have any questions completing the claim form, feel free to contact me.

Sincerely,

Christopher Holmes

Christopher Holmes
Water Resource Agent
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Phone (208) 762-2810
Fax (208) 762-2819
Christopher.holmes@idwr.idaho.gov

From: Kevin Muir [<mailto:KevinMuir@msn.com>]
Sent: Monday, June 28, 2021 4:17 PM

To: Holmes, Christopher <Christopher.Holmes@idwr.idaho.gov>

Subject: Claim

Based on the information you provided in your email today, I believe we are better off filing a separate claim for the house so we maintain our priority date of 2014 for the shop. Is it too late to do this? How do we do this?

Sorry if I didn't understand all the implications of our phone conversation in May. The concepts and terminology are all new to me.

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Holmes, Christopher

From: Holmes, Christopher
Sent: Monday, June 28, 2021 11:21 AM
To: 'Kevin Muir'
Subject: RE: Questions re: Amended Claim and recommendation
Attachments: water-rights-brochure.pdf; NIA-Brochure.pdf

Good morning,

These two preliminary recommendations are different based on our phone conversations. According to our conversation, the shophouse began using the well in 2014. Then in 2019, the home was built. The home was built after the shophouse, so it is expanding on the original 2014 use which began by the single shophouse. This expansion changes the priority date to when both the domestic uses were using the well; the priority date is when the last expansion of a water right element took place (either increased purpose of use, quantity, place of use etc.).

During our phone conversation on May 24, 2021 I described this change in priority date. I also described a second option. The second option was to maintain the claim for the shophouse for a 2014 priority date and then to file a separate claim on the home for a 2019 priority date. By doing this, one water right would be for the shophouse and a separate water right would be for the home. Because these domestic uses would be filed separately, each water right would be for when they individually began using the well. No expansion would be considered because they are independently claimed of each other. According to my notes, after describing both options with you, you opted to file both the shophouse and home on the same claim with the 2019 priority date.

What determines a priority date: for a beneficial use claim, a priority date is established when water is first beneficially using water. For example, if a well was drilled on 12/31/1990 but was not used until 12/31/2000 to supply a home, the priority date is 12/31/2000 because that is when the water was first used for a beneficial purpose.

How important is a priority date: a priority date is important because the priority date determines who gets water when there is a shortage. If there is not enough water to satisfy all of the water rights, then the oldest (senior) water rights are satisfied first and so on in order until there is no water available.

When would a priority date be used in determining water rights: as mentioned above, a priority date is used when there is a water shortage that requires action. Senior water rights are satisfied first and then work chronologically through to the junior most water rights.

I attached two brochures that provides general information regarding water rights that may answer other questions you have. If you have any other questions, feel free to contact me.

Sincerely,

Christopher Holmes

Christopher Holmes
Water Resource Agent
Idaho Department of Water Resources, Northern Region
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Christopher.holmes@idwr.idaho.gov

SCANNED
JUN 28 2021

From: Kevin Muir [mailto:KevinMuir@msn.com]
Sent: Monday, June 28, 2021 9:57 AM
To: Holmes, Christopher <Christopher.Holmes@idwr.idaho.gov>
Subject: Questions re: Amended Claim and recommendation

Good morning.

The initial Preliminary Recommended Water Rights from your office dated 4/12/21 shows a priority date of 11/6/2014. The revised one dated 6/15/2021 which added the shophouse has a priority date of 12/31/2019. The Amended Notice of Claim that lists the house and shop building under non-irrigation uses has a priority date of 11/6/2014.

Why are these different?
What determines a priority date?
How important is a priority date?
When would a priority date be used in determining water rights?

It seems to me that an older priority date would be more desirable. Why would ours change simply because we add a shop building to the list. (A shop building which was in existence long before 12/31/2019.)

Thank you for your assistance in clarifying the above issues.

Kevin Muir
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Holmes, Christopher

From: Holmes, Christopher
Sent: Friday, June 25, 2021 2:52 PM
To: 'Kevin Muir'
Subject: RE: Palouse River Basin Adjudication Error Reply Response

Good afternoon,

There is still time to get the amended claim completed. The June 25th deadline is for the Notice of Error Reply only. There is not a hard deadline for the amended claim to be received, but by beginning-mid July would be best so I can recommend the claim before it is sent to the Court in late July or early August. The Department requires the original document and signature, so returning it via regular mail is the appropriate method.

If you have any other questions, feel free to reach out to me.

Sincerely,

Christopher Holmes

Christopher Holmes
Water Resource Agent
Idaho Department of Water Resources, Northern Region
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Coeur d'Alene, ID 83815-7763
Phone (208) 762-2810
Fax (208) 762-2819
Christopher.holmes@idwr.idaho.gov

From: Kevin Muir [mailto:kevinmuir@msn.com]
Sent: Friday, June 25, 2021 12:04 AM
To: Holmes, Christopher <Christopher.Holmes@idwr.idaho.gov>
Subject: Re: Palouse River Basin Adjudication Error Reply Response

Chris,

What is the deadline for getting the amended claim back to you? If it is the 25th of June, can I scan and email it? Otherwise, I will send it via regular mail.

Thank you.

Kevin Muir

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From: Holmes, Christopher <Christopher.Holmes@idwr.idaho.gov>
Sent: Thursday, June 24, 2021 11:20:17 AM

To: kevinmuir@msn.com <kevinmuir@msn.com>

Subject: Palouse River Basin Adjudication Error Reply Response

Good morning,

I am emailing you in regards to the voicemail I received from you dated 6/23/2021. I mailed you a letter and attachments responding to the Notice of Error reply that was received by the Department on June 14, 2021. I mailed this letter on June 16, 2021 to the mailing address we have on file which is PO Box 1346 Freedom, CA 95019. I attached the letter and attachments to this email. If you need to change your mailing address, I attached a Change in Address of Notice of Claim form that you can complete.

If you have any questions regarding the letter, attachments, or address form feel free to reach out to me.

Sincerely,

Christopher Holmes

Christopher Holmes
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