

From: [Saxton, Craig](#)
To: BREWSTERB588@GMAIL.COM
Subject: Adjudication Claim 97-7604
Date: Monday, September 27, 2021 11:33:00 AM
Attachments: [97-7604 Online Notice of Claim \(Copy\).PDF](#)

Brenda,

Per our conversation I am attaching a copy of adjudication claim 97-7604 as well as adding links to several forms.

1. REQUEST FOR WITHDRAWAL OF CLAIM WITH FILING FEES APPLIED TO APPLICATION FOR PERMIT

<https://idwr.idaho.gov/wp-content/uploads/sites/2/forms/25a1-CFPRBA-WITHDRAWAL-OF-CLAIM-Form.pdf>

This is the form you need to complete if you wish to withdraw adjudication claim 97-7604 and have the filing fees applied to an application for permit for a new water right.

2. Application for Permit

<https://idwr.idaho.gov/wp-content/uploads/sites/2/forms/application-for-permit.pdf>

3. Application for Permit Instructions

<https://idwr.idaho.gov/wp-content/uploads/sites/2/forms/application-for-permit-instructions.pdf>

As we discussed on the phone, Initial review of your claim indicates the priority date of 1/1/2012 is in violation of the Mandatory Permit Statute for the ground water used for irrigation purposes. 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 Section 42-111, Idaho Code).

The priority date claimed indicates that use of ground water for the irrigation of over ½ acre began after March 25, 1963. Because a water right was not previously established under the permit system, an "Application for Permit" form should be filed instead of this claim. The adjudication claim fee you paid can be applied to the fee for the application for permit.

As we discussed, you have a couple of options:

1. Do nothing. I told you I would have to recommend claim 97-7604 as disallowed to the court, but with more thought, we would most likely just recommend the claim for Domestic and Stockwater use only. The irrigation portion of the claim would be dropped.
2. Withdraw claim 97-7604 and file a new application for permit applying all claim fees to the new application. You can essentially copy the elements of the attached claim 97-7604 over to the Application for permit. The new application will cost \$100 and you have already paid \$52 under receipt number T110919.
3. Amend claim 97-7604 to remove the Irrigation use, retaining the priority date for the

domestic and stock use, and then file an application for permit for the irrigation use only. This would be the most expensive route as you would have a \$100 fee for the application for permit plus the claim fee. If you would like to amend claim 97-7604, drop me a line and I will help you with that.

Please feel free to contact me or our office in Coeur d'Alene if you have any questions.

Respectfully,

Craig L. Saxton
Adjudication Section Manager
322 E Front St
Boise ID 83720-0098
Craig.saxton@idwr.idaho.gov
208.287.4916