

OCT 28 2021

DEPARTMENT OF
WATER RESOURCES**brewsterb588@gmail.com**

From: Saxton, Craig <Craig.Saxton@idwr.idaho.gov>
Sent: Tuesday, October 12, 2021 2:16 PM
To: brewsterb588@gmail.com
Subject: RE: Adjudication Claim 97-7604

That helps explain things.

You can leave in or delete the crossed-out text. I think what you sent me in your e-mail will work out fine.

As far as a refund, I don't have a specific "refund" request form, but when you send in your claim, why don't you include a copy of this e-mail documenting that you are requesting a refund for overpayment of claim fees associated with 97-7604. And then I would send everything to the Boise office at my attention:

IDWR
ATTN: CRAIG SAXTON
PO BOX 83720
BOISE ID 83720-0098

Thanks,
Craig

From: brewsterb588@gmail.com <brewsterb588@gmail.com>
Sent: Tuesday, October 12, 2021 1:21 PM
To: Saxton, Craig <Craig.Saxton@idwr.idaho.gov>
Subject: RE: Adjudication Claim 97-7604

Hi,

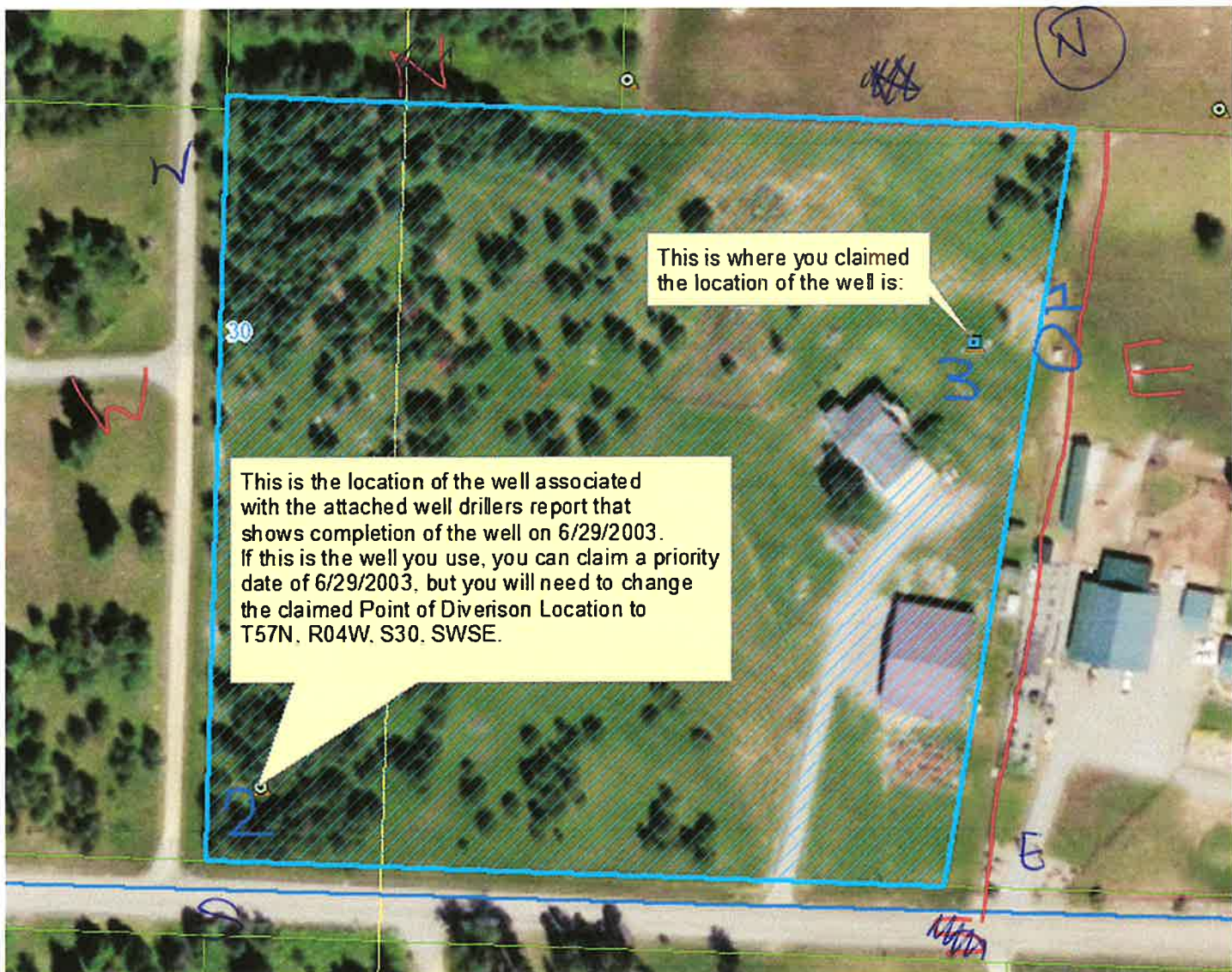
Thank you! Do you want me to leave all of the crossed-out text or delete it? I attached a copy with the cross outs left. I think this is what you want me to mail in.

The Eastern property line on this screenshot is incorrect. I made a red mark where the property line is. The 2004 construction date is correct. My mistake.

We were told that the first well that was used on the property was well #1 on the eastern border. The well drillers report has an X marked on the SE corner. We have no well on a SE corner. Well #2 was then drilled, but didn't produce enough. Well #3 was then drilled. We currently use well #3.

Additionally, do we get any money back since we are dropping the Irrigation claim?

Please let me know if I need to change anything further. Thanks!



Thanks!

From: Saxton, Craig
Sent: Tuesday, October 12, 2021 10:17 AM
To: brewsterb588@gmail.com
Subject: RE: Adjudication Claim 97-7604

Brenda,

I am attaching a Draft Amended Notice of Claim. Once completed, you can sign this and send it back to IDWR and we will make the updates in the Database.

There are a couple of points I want to bring to your attention:

Item 2. Date of Priority

You can see that I crossed out 1/1/2012. I did this because I found evidence that appears to support an earlier priority date.

- 1) Bonner county parcel data shows a "YEAR_BUILT" date of 2004. If this sounds reasonable, then you might want to change the claimed priority date to sometime in 2004.

Identify

Identify from:
<Selectable layers>

Parcels

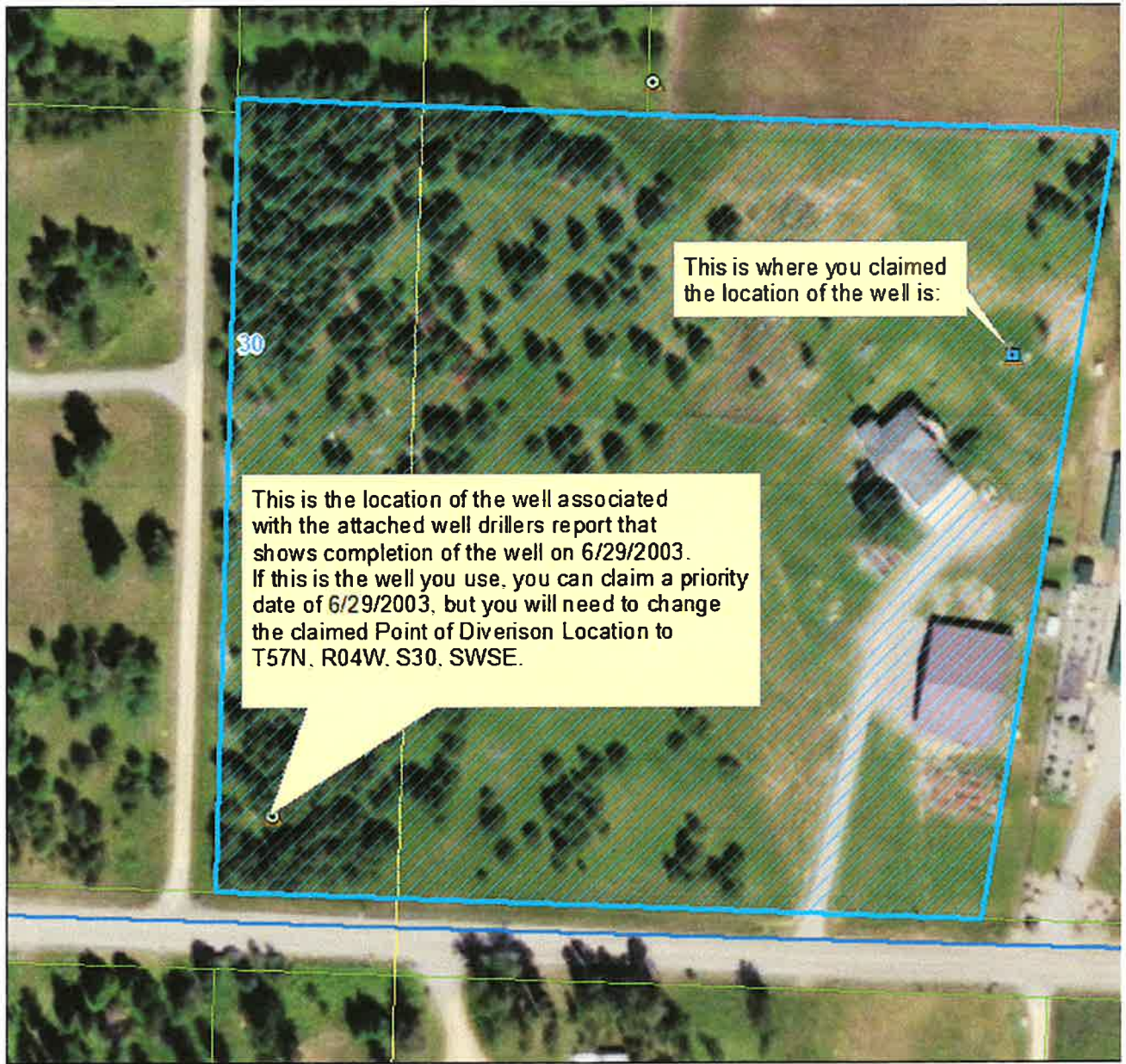
BREWSTER, MICHAEL & BRENDA

Location:
2,286,589.898 1,898,733.855 Meters

Field	Value
ID	13575361
UPDATED	6/8/2021
PIN	RP042070000010A
OWNER	BREWSTER, MICHAEL & BRENDA
ADDRESS1	865 PENINSULA LP
ADDRESS2	
CITY	PRIEST RIVER
STATE	ID
ZIPCODE	83856
P_ADDRESS	865 PENINSULA LP
P_ZIPCODE	83856
SUB_NAME	HURST ESTATES
LEGAL1	30-57N-4W HURST ESTATES LOT 1
LEGAL2	<null>
LEGAL3	<null>
LEGAL4	<null>
LEGAL5	<null>
LEGAL6	<null>
ACRES	9.1
COUNTY	Bonner
SOURCE	<null>
YEAR_BUILT	2004

Identified 1 feature

Or, I found a well driller report (attached) that appears to be applicable to a well on your property, but it isn't in the location you identified. I apologize if we spoke about this already.



Depending on where your well is, I think you could update the priority date you wish to claim. However, if you want to keep 1/1/2012, that is fine, but you will need to remove the cross-out or just write it in there again.

Item 12. Remarks:

You will want to update the remarks with the priority date explanation if you change it.

Item 14. Docket Sheet Question

The docket sheet is a monthly summary of all the court actions related to the CFPRBA. I think the fee is about ~8 per month. But you can access the docket sheet for free at: http://www.srba.idaho.gov/CFPRBA_DCKT.HTM

When you are ready, please sign the claim and mail it to either:

IDWR
7600 N MINERAL DR STE 100
COEUR D ALENE ID 83815-7763

or

IDWR
PO BOX 83720
BOISE ID 83720-0098

Let me know if you have questions:

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

From: brewsterb588@gmail.com <brewsterb588@gmail.com>
Sent: Tuesday, October 12, 2021 9:35 AM
To: Saxton, Craig <Craig.Saxton@idwr.idaho.gov>
Subject: FW: Adjudication Claim 97-7604

Hi Craig,

We have decided that we would like to Amend claim 97-7604 to remove the Irrigation use, retaining the priority date for the domestic and stock use. Your email below says that we should reach out to you to go this route. Please advise what we should do to amend?

Thanks,
Brenda

From: Saxton, Craig
Sent: Monday, September 27, 2021 10:33 AM
To: BREWSTERB588@GMAIL.COM
Subject: Adjudication Claim 97-7604

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