

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

**IN RE THE GENERAL ADJUDICATION OF
RIGHTS TO THE USE OF WATER FROM
THE COEUR D'ALENE-SPOKANE RIVER
BASIN WATER SYSTEM**

Civil Case No. 49576

**SECOND ROUND SERVICE OF
COMMENCEMENT NOTICE —
CSRBA BASIN 95 (Benewah, Bonner and
Kootenai counties)**

IMPORTANT LEGAL NOTICE:

Records of the Idaho Department of Water Resources (IDWR) indicate that you may own or have an interest in a water right in the Coeur d'Alene-Spokane River Basin, but you have **NOT** filed a Notice of Claim with IDWR for this water right. This notice serves as your second and **FINAL** notice of your responsibilities to file a Notice of Claim. **FAILURE TO FILE A REQUIRED NOTICE OF CLAIM WILL RESULT IN A DETERMINATION BY THE COURT THAT THE WATER RIGHT NO LONGER EXISTS.**

YOUR FILING DEADLINE IS January 28, 2022

On November 12, 2008, the District Court for the County of Twin Falls issued an order commencing a general adjudication of all water rights from the Coeur d'Alene-Spokane River Basin water system in Idaho. A general adjudication is a court case which will result in a decree determining all water rights from the water system. The purpose of the adjudication is to get an accurate schedule of water rights to assure the proper delivery of water in times of shortage. The purpose of this notice is to inform you of your legal responsibilities at this stage of the adjudication.

WHO NEEDS TO FILE A NOTICE OF CLAIM WITH IDWR?

Idaho Code § 42-1409 requires all persons owning water rights within the boundaries of the Coeur d'Alene-Spokane River Basin water system in Idaho to file a Notice of Claim with IDWR for each water right, except for certain water rights specifically excluded by law. **Failure to file a required Notice of Claim will result in a determination by the court that the water right no longer exists.**

You **MUST** file a Notice of Claim with IDWR if your water right is based upon:

- a **CONSTITUTIONAL** or **HISTORIC USE RIGHT** (a diversion and application of water to a beneficial use, regardless of whether the water right has been recorded with IDWR pursuant to Idaho Code § 42-243);
- a **STATE** or **FEDERAL DECREE** (even if your water right was decreed in a previous adjudication);
- a **LICENSED RIGHT** (based upon a license issued by IDWR, formerly known as the Idaho Department of Water Administration, the Idaho Department of Reclamation, and the State Engineer's Office);

- an **APPROPRIATION PERMIT** if proof of beneficial use was filed on or before November 12, 2008 (based upon a permit issued by IDWR, formerly known as the Idaho Department of Water Administration, the Idaho Department of Reclamation, and the State Engineer's Office); or
- a **FEDERAL LAW** (generally reserved rights claimed by the federal government, by or on behalf of the Indian Tribes, or by subsequent owners of former federal reserved lands).

WHO DOES NOT NEED TO FILE A NOTICE OF CLAIM WITH IDWR?

- **Small Domestic and Stockwater users:** A Notice of Claim may be, but is not required to be, filed at this time for water rights used solely for small Domestic and/or Stockwater purposes (D&S) as those terms are statutorily defined by Idaho Code § 42-1401A (4) & (11). A D&S claim is not required to be filed at this time. However, if you have a D&S water right, it may be to your advantage to file a claim on this water right in this adjudication. First, you will be required to have the water right adjudicated before the water right can be distributed by a watermaster or before an application for change of the water right may be filed with IDWR. Second, while the filing fee for a Notice of Claim with IDWR for a D&S water right is currently \$25, the costs of filing a motion with the district court at a later date to have the water right adjudicated will be considerably higher. Before deciding not to file a Notice of Claim for small D&S claims you should be certain that your water use qualifies for the special procedure.
- **Permits for which Proof of Beneficial Use was filed after November 12, 2008:** A Notice of Claim may be, but is not required to be, filed for permits for which proof of beneficial use was filed after November 12, 2008. While not required at this time, the director of IDWR may require holders of such permits to file a Notice of Claim at a later date. If the director does issue such an order, the permit holder will be notified by mail.
- **Fire-Fighting and In-Stream Livestock:** A Notice of Claim may be, but is not required to be, filed for water rights arising under Idaho state law that are used solely for fire-fighting purposes or solely for in-stream livestock use as defined by Idaho Code § 42-113.
- **Water user who is not the owner of the water right:** A person using water from the Coeur d'Alene-Spokane River Basin water system is not required to file a Notice of Claim if the water user is not the owner of the water right, but the water user should make sure that the owner has filed a Notice of Claim. For example, a water user need not file a Notice of Claim where the water user receives water solely by virtue of ownership of shares of stock in a water delivery organization, or solely by virtue of being located within the boundaries of a water user organization if the water delivery organization holds legal title to the water right and if the water delivery organization has filed a Notice of Claim. Examples of water delivery organizations include but are not limited to: cities, water utility companies, water and sewer districts, and irrigation districts.

WHAT WATER SOURCES ARE INCLUDED IN THE COEUR D'ALENE-SPOKANE RIVER BASIN ADJUDICATION AND WHAT ARE THE BOUNDARIES?

A Notice of Claim must be filed for water from any water source, including streams, springs, lakes, ground water, developed water, wastewater, or any other source for any purpose within the boundaries of the Coeur d'Alene-Spokane River Basin water system in Idaho. A map showing the boundaries of the water system is included at the end of this notice.

WHAT ARE THE FEES AND DEADLINES FOR FILING A NOTICE OF CLAIM?

Idaho Code § 42-1414 requires each person who files a Notice of Claim to pay a filing fee unless they are exempted by law. Failure to pay the required fee will result in rejection of the Notice of Claim.

The deadline for filing Notices of Claims to water rights is **January 28, 2022**. Late-filed Notices of Claims resulting from this notice must be submitted with a completed *Motion to File a Late Notice of Claim* form. Failure to file a Notice of Claim by the deadline may result in assessment of a late fee of \$50.00 or 15% of the original filing fee, whichever is greater.

A late fee may also apply if you were previously served with a Commencement Notice and did not file your claim by the deadline set forth in the previous notice.

NOTICE OF CLAIM FORMS AND INSTRUCTIONS

Notices of Claims must be filed on forms prepared by IDWR or a reasonable facsimile. When filing at an IDWR office, bring a legal description of the property with Township, Section, Range and ¼, ¼. The lot and block numbers are not sufficient. Claimants should always call the nearest regional office to make an appointment if desiring assistance to fill out a Notice of Claim. The Notice of Claim forms and instructions for completing and filing the forms are available on IDWR's website at www.idwr.idaho.gov or at the following locations:

1. IDWR, Northern Region, 7600 Mineral Dr., Suite 100, Coeur d'Alene ID 83815, Phone (208) 762-2800
2. IDWR, Western Region, 2735 Airport Way, Boise, ID 83705, Phone (208) 334-2190
3. IDWR, Southern Region, 650 Addison Ave W, Ste 500, Twin Falls ID 83301, Phone (208) 736-3033
4. IDWR, Eastern Region, 900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402, Phone (208) 525-7161
5. IDWR, State Office, 322 East Front Street, P.O. Box 83720, Boise ID 83720-0098, Phone (208) 287-4800

You may also call IDWR's State Office toll free at **1-800-451-4129**.

NOTICE TO IDWR OF CHANGE IN OWNERSHIP OR ADDRESS

Idaho Code § 42-1409(6) requires all purchasers of a water right to inquire of IDWR whether a Notice of Claim has been filed. If not, the purchaser must file any required Notice of Claim, as described above. If a Notice of Claim has been filed, the purchaser must file with IDWR a written notice of the change in ownership along with some evidence of ownership. A purchaser includes any person acquiring a water right from another water user, whether it is acquired by purchase, gift, inheritance, or any other means. Idaho Code § 42-1409(6) requires all persons who have filed a Notice of Claim to file a written notice of change in address with IDWR.

FURTHER INFORMATION

The files of the district court for Benewah, Bonner and Kootenai Counties will contain affidavits and other documents listing the persons served with copies of this notice. Assistance in filing Notices of Claims may be obtained at all offices of IDWR, which are listed above.

All Notices of Claims are filed with IDWR. If you want information about Notices of Claims filed in this adjudication, you may inquire at any office of IDWR. If you want information concerning other documents filed in this adjudication, which are filed with the court, you may obtain a copy of the docket sheet from any office of IDWR or the Coeur d'Alene-Spokane River Basin Adjudication district court website at www.srba.idaho.gov/csrba1.htm. The docket sheet will be prepared each month and will reflect the court's schedule for the following three months. You can get a copy of a docket sheet for the cost of mailing and/or copying, or you can get a subscription to receive the docket sheet each month. The cost of the subscription is \$7.50 per year. The docket sheet will also be filed with the district court clerk for every county within the boundaries of the Coeur d'Alene-Spokane River Basin water system in Idaho.

Gary Spackman, Director, Idaho Department of Water Resources

Northern Idaho Adjudication

Coeur d'Alene - Spokane River Basin Water System

