



IDAHO DEPARTMENT OF
WATER RESOURCES

322 E Front Street, Suite 648, Boise ID 83702 • PO Box 83720, Boise ID 83720-0098
Phone: 208-287-4800 • Fax: 208-287-6700 • Email: idwrinfo@idwr.idaho.gov • Website: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

March 10, 2022

STEVEN SEWARD
MARY DONOVAN
1029 RED FIR ROAD
HOPE ID 83836

RE: Clark Fork-Pend Oreille River Basin Adjudication claim 96-9321
Withdrawal of Application for Permit 96-10138

Dear Mr. Seward and Ms. Donovan:

This letter is a follow up to a voice message I left you on March 10, 2022. To make a long story short, it appears that there is a licensed water right applicable to your property that was not found when you originally filed Adjudication claim 96-10058.

Review up to today:

On December 2, 2021, you filed Notice of claim 96-10058 for diversion of water from Lake Pend Oreille for Domestic use, claiming a 1993 priority date.

On December 8, 2021, I sent you a letter informing you that as of 1971, any new appropriation of surface water required an application for permit. And since an application for permit was not filed for your water use, IDWR couldn't recommend the right as valid to the court. I recommended you withdraw the claim and file an application for permit.

On December 15, 2021, IDWR received a Request for Withdrawal of claim 96-10058 along with a completed Application for Permit (96-10138).

On March 9, 2022, I was contacted by our Northern Region Office of IDWR. Upon review of the application for permit (96-10138), they found water right license 96-9321, which authorizes diversion from the Pend Oreille Lake for domestic use on within Lot 9C, Lakeside Homes Subdivision.

If we had known about 96-9321, I would have recommended you amend your claim to reflect the elements of license 96-9321. This would negate the need to withdraw the claim and file a new application for permit.

What next:

If you agree that water right license 96-9321 is applicable to your property, and you would like to claim that license, you will need to repeat, essentially, the same process you did before when you withdrew claim 96-10058 and filed for the new application for permit. Only this time, you will need to withdraw the Application for Permit 96-10138 and file claim 96-9321.

I know this might be very inconvenient and I so apologize. For your convenience, I have prepared the forms for your review and you should only need to sign them. Enclosed are the following forms:

- **REQUEST FOR WITHDRAWAL OF APPLICATION FOR PERMIT WITH FILING FEES APPLIED TO NOTICE OF CLAIM (96-9321).**

I have completed the form including what receipt needs to be applied to claim 96-9321 and what receipt should be refunded. Please review and if all looks good, just sign the form and return it in the postage paid envelope enclosed. Once received, IDWR will initiate a refund.

- **Notice of Claim to a Water Right 96-9321 and map.**

This claim reflects the elements of license 96-9321. Please look over the claim and make any changes you feel are appropriate. When satisfied, sign and return the claim in the postage paid envelope enclosed.

Other documents included in this mailing:

- Copy of license 96-9321 (for your review only)
- Copies of receipts T111423 and N03821 (for your reference)

I am very sorry about the confusion and the inconvenience this has caused you. I will note that you do not actually need to withdraw your current Application for Permit and file a claim for 96-9321, but if in fact 96-9321 is applicable to your property, it could be in your benefit to follow this process so you can retain that older 2007 priority date authorized under license 96-9321.

Please don't hesitate to contact myself with any questions or if you would just like to talk through what happened and how you could move forward.

Respectfully,



Craig L. Saxton
Adjudication Section Manager
craig.saxton@idwr.idaho.gov
208.287.4916

**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 CLARK FORK-PEND OREILLE RIVER
BASIN WATER SYSTEM

CIVIL CASE NUMBER: 69576

Ident. Number: 96-9321
Date Received: _____
Receipt No: T111423
Claim Fee: \$25.00
Received By: _____

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW
For Domestic and/or Stockwater Purposes
Where Daily Use is less than 13,000 gallons per day**

1. Name of Claimant(s)

STEVEN T SEWARD
1029 RED FIR RD
HOPE ID 83836-9768

Phone: (206) 920-4129

AND/OR

MARY DONOVAN
1029 RED FIR RD
HOPE ID 83836-9768

Phone: (206) 920-4129

2. Date of Priority: 6/30/2007

3. Source: PEND OREILLE LAKE

Trib. to: PEND OREILLE RIVER

4. Point of Diversion:

Township	Range	Section	$\frac{1}{4}$ of $\frac{1}{4}$ of $\frac{1}{4}$	Lot	County	Type
56N	01E	2	NW SE	3	BONNER	

5. Description of diverting works:

A SUCTION LINE INSTALLED FROM THE NORMAL HIGH WATER LEVEL TO THE NORMAL LOW WATER LEVEL.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A
DOMESTIC	01/01	12/31	0.04		1.2

7. Total Quantity Appropriated is:

0.04 C.F.S. and/or 1.2 A.F.A.

8. Non-irrigation uses:

Domestic use is for 1 home.

9. Place of use:

DOMESTIC within BONNER County

Township	Range	Section	¼	of	¼	Lot	Acres
56N	01E	2	NW		SE	3	

10. Do you own the property listed above as place of use? Yes

If your answer is no, describe in remarks below the authority you have to claim this water right.

11. Other Water Rights Used:

12. Remarks:

The irrigation occurring under this domestic use shall not exceed 1/2 acre.

Point of diversion is located within Lot 9C, Lakeside Homes Subdivision.

Place of use is located within Lot 9C, Lakeside Homes Subdivision.

13. Basis of Claim: License

14. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the CLARK FORK-PEND OREILLE River Basin Adjudication." (b.) I/We do _____ do not __X__ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

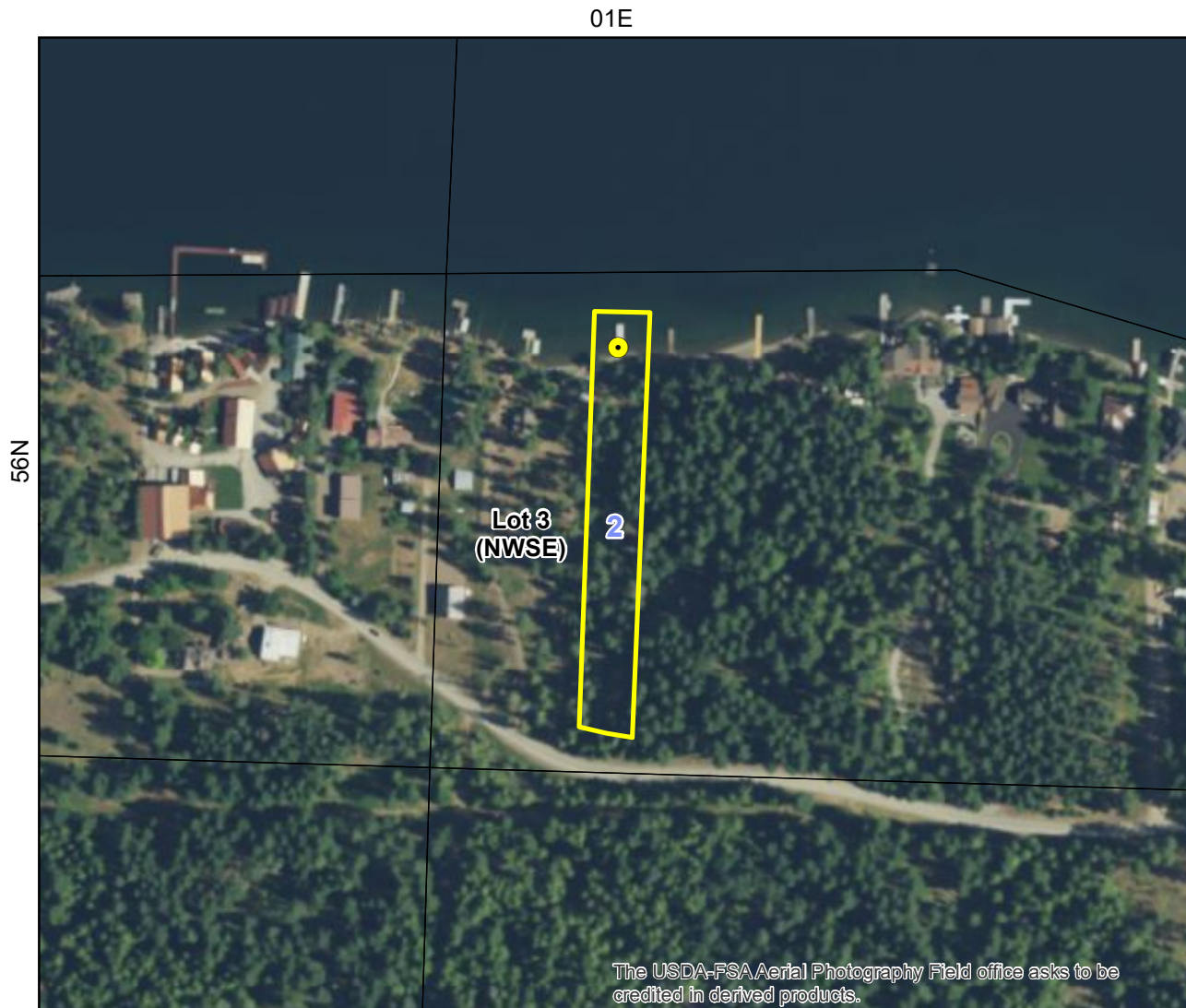
For Individuals:

I/We do solemnly swear or affirm under penalty of perjury that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____

_____ Date: _____

State of Idaho
Department of Water Resources
Adjudication Claim
96-9321



-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters

0 0.035 0.07 0.14 Miles



**REQUEST FOR WITHDRAWAL OF APPLICATION FOR PERMIT
WITH FILING FEES APPLIED TO NOTICE OF CLAIM**

Name of Applicant: Steven T Seward & or Mary Donovan

Mailing Address: 1029 Red Fir Rd, Hope ID 83836-9768

Receipt No.: T111423 Amount: \$25 - Apply to claim 96-9321

Receipt No.: N038021 Amount: \$75 - Refund

Application No(s): 96-10138

I/We hereby withdraw our Application for Permit to Appropriate the Public Waters of the State of Idaho which number(s) appear above and for which I/We previously paid a filing fee to the Idaho Department of Water Resources. I request the filing fee I/We paid on the receipt referenced above be applied to filing a Notice of Claim to a Water Right.

Comments: \$100 in Filing fees associated with Application for Permit 96-10138 were paid under the two receipts identified above. Filing fees for claim 96-9321 are \$25. We request that fees paid under T111423 be applied to claim 96-9321 and fees paid under N038021 be refunded.

For Individuals:

(Signature of Applicant)

(Date)

(Signature of Applicant)

(Date)

Return to: Idaho Dept. of Water Resources
7600 N. Mineral Dr. Suite 100
Coeur d'Alene, ID 83815

or

Idaho Dept. of Water Resources
Adjudication Section
P.O. Box 83720
Boise, ID 83720-0098

For IDWR Use

Approval
Data Entry

Initials

Date

