



IDAHO DEPARTMENT OF
WATER RESOURCES

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Governor Brad Little

Director Gary Spackman

March 10, 2022

STEVEN SEWARD
MARY DONOVAN
1029 RED FIR ROAD
HOPE ID 83836

*Thanks, Craig. Signed
withdrawal and notice of
claim enclosed.
Steve*

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

RECEIVED

MAR 29 2022

DEPARTMENT OF
WATER RESOURCES

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.

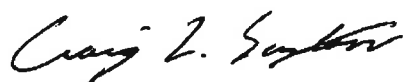
Other documents included in this mailing:

- 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
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208.287.4916