



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

September 2, 2022

DAVE LOTZE
PO BOX 124
PONDERAY ID 83852

RE: Clark Fork-Pend Oreille River Basin Adjudication

Dear Mr. Lotze,

Per our conversation on August 26, 2022, I looked into license record 96-8600 and Statutory claim record 96-4252. You were looking to file for water rights on a couple of parcels:

Parcel RP60N02W345850A is located in the NWSW of Section 34 and Boundary County records available to IDWR indicate the parcel is currently in the name of HRR trust. Both 96-8600 and 96-4252 appear to be applicable to this parcel.

Parcel RP60N02W345100A is located in the NESW of Section 34 and Boundary County records available to IDWR indicate that you own the parcel.

Parcel RP60N02W345850A:

If you feel you can support a priority date earlier than 5/23/1990 (which is the priority date authorized under license 96-8600) then you could file a claim based on the statutory claim 96-4252. You will need to supply some evidence to support the claimed priority date of 1945. At a minimum, you will need to provide evidence of use prior to May 20, 1971, in order for IDWR to recommend it as a valid right.

If you can't provide evidence to support the priority date prior to May 20, 1971, IDWR could recommend the right consistent with license 96-8600.

I have enclosed a partially completed claim based on statutory claim 96-4252 but with the elements that had been verified during the licensing examination for 96-8600. Another way of looking at it is the enclosed claim basically is just claiming license 96-8600 with an earlier priority date.

Parcel RP60N02W345100A:

I do not see any evidence in the documents for 96-4252 or 96-8600 that the spring provided water to Parcel RP60N02W345100A. You can file an adjudication claim for

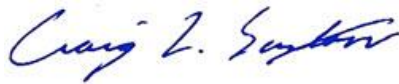
historic use of the spring the parcel, but you will need to supply evidence showing that the system supplied spring water to the home prior to May 20, 1971.

I would recommend filing this claim separately from the claim for parcel RP60N02W345850A in case you are not able to provide that evidence and the claim cannot be supported.

If you cannot support that spring water was used at that home on Parcel RP60N02W345100A prior to May 20, 1971, the other option is to file an Application for Permit for the use of the spring on this parcel. An application for permit is a process separate from the adjudication and would allow you to establish a new water right with a priority date of the day the application is file (2022).

Please let me know if you have any questions.

Respectfully,

A handwritten signature in blue ink that reads "Craig L. Saxton". The signature is written in a cursive, flowing style.

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