



## State of Idaho

# DEPARTMENT OF WATER RESOURCES

Northern Region • 7600 N Mineral Drive, Suite 100 • Coeur D'Alene ID 83815-7763

Phone: (208) 762-2800 • Fax: (208) 762-2819

Website: [idwr.idaho.gov](http://idwr.idaho.gov) • Email: [northerninfo@idwr.idaho.gov](mailto:northerninfo@idwr.idaho.gov)

BRAD LITTLE  
Governor

GARY SPACKMAN  
Director

July 29, 2020

MARIE JAYO  
RT 5 BOX 107  
PRIEST RIVER, ID 83856

PAUL JAYO  
3867 SQUAW VALLEY RD  
PRIEST RIVER, ID 83856-9669

RE: Water Appropriation Permit 97-7313

### **Notice of Intent to Void Permit**

Dear Permit Holder(s):

On October 21, 1991 the Idaho Department of Water Resources (IDWR) issued permit 97-7313 authorizing you to develop a right to divert 0.20 cfs of water from unnamed streams, within the NE¼NE¼ and SE¼NE¼ of Section 29, Township 59 North, Range 5 West, B.M., for irrigation uses in Bonner County. Under the terms of the permit, the development was to have been completed by October 1, 1992. On October 5, 1992, IDWR received your Proof of Beneficial Use statement indicating you had completed your development and put the water to beneficial use. A Notice of Change in Water Right Ownership form dated June 14, 2007 was received by IDWR as the Kalispel Tribe of Indians purchased the property associated with this water permit. Due to the water right still being in the permit stage, IDWR was unable to complete the requested change at that time.

The final step in the water appropriation process is the issuance of a Water Right License. By issuing a license, IDWR recognizes that all the requirements for establishing a water right were met. No water right license can be issued, however, if the development authorized by the permit did not occur within the authorized time period. For that reason, before issuing a license IDWR must conduct an examination to verify the development. IDWR personnel attempted to contact the permit holder and current property owner by telephone and by mail on July 22, 2020, in order to schedule a field examination time. To date, no response has been received from either party.

If you believe a water right was developed in accordance with the permit, please contact Luke Bates to make arrangements for a field examination to be conducted on your property. If we do

not hear from you within thirty days, we will assume you no longer have any interest in establishing a water right, and IDWR will take action to void the permit

If you have any questions, please contact Luke Bates at 208-762-2800 or [luke.bates@idwr.idaho.gov](mailto:luke.bates@idwr.idaho.gov)

Sincerely,

A handwritten signature in blue ink that reads "Adam Frederick".

Adam Frederick  
Water Rights Supervisor  
Idaho Dept. of Water Resources  
Northern Regional Office  
P: (208) 762-2800  
F: (208) 762-2819  
[adam.frederick@idwr.idaho.gov](mailto:adam.frederick@idwr.idaho.gov)

Cc: Electronic Email Delivery to Mr. Ray Entz, Kalispel Tribe of Indians

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
7600 N. Mineral Drive, Suite 100  
Coeur d'Alene, Idaho 83815

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WA 990  
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FIRST-CLASS



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MARIE JAYO  
RT 5 BOX 107  
PRIEST RIVER, ID 83856

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DOWN/NORTH

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BC: 83815776325 \*2629-02080-29-44

NSN



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## Bates, Luke

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**From:** Ray Entz <rentz@kalispeltribe.com>  
**Sent:** Tuesday, July 28, 2020 7:57 AM  
**To:** Bates, Luke  
**Cc:** Zach Welcker  
**Subject:** Water right permit 97-7313  
**Attachments:** doc02699620200728075513.pdf

Luke,

As discussed in the field July 20<sup>th</sup>, the Kalispel Tribe is currently the owner of the property associated with water Permit 97-7313. We have no intention of pursuing the licensing of this permit and are recommending that IDWR void this permit. I appreciate your time and effort to clear up this permit and our ownership of the properties previously owned by the Jayo Family.

If you have any questions, please do not hesitate to contact me.

Regards,

**Ray D. Entz**

*Director of Wildlife and Terrestrial Resources*

**Kalispel Tribe of Indians**

Kalispel Natural Resources Department

509.447.7278 Office

509.993.8915 Cell

[rentz@kalispeltribe.com](mailto:rentz@kalispeltribe.com)

[kalispeltribe.com](http://kalispeltribe.com) | [Facebook](#)





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C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

RECEIVED
JUL 27 2020
IDWR/NORTH

July 22, 2020

MARIE JAYO
RT 5 BOX 107
PRIEST RIVER, ID 83856

PAUL JAYO
3867 SQUAW VALLEY RD
PRIEST RIVER, ID 83856-9669

RE: Additional Information Request for Permit 97-7313

Dear Permit Holder(s):

On September 10, 1991 you filed an application for permit to appropriate water from two points of diversion from an unnamed stream for use in Section 29, Township 59 North, and Range 5 West. The application was approved and water right permit 97-7313 was issued on October 21, 1991. On October 5, 1992 you filed a proof of beneficial use statement claiming that you developed the irrigation use under water right permit 97-7313.

I am now trying to verify the water use under 97-7313, and license this water right permit. I have attached a copy of the permit and the permit map of the Place of Use for this water use. It appears from the map, that this property is now owned by the Kalispel Tribe of Indians. A copy of this letter will also be sent to the Mr. Ray Entz, a representative of the Kalispel Tribe of Indians. If the Kalispel Tribe of Indians is the current owner of the property, you can assign the water right into the Tribe's name, and I will work through them to license this water right.

You can request that IDWR personnel go into the field, conduct a field exam, and collect this information accompanied by a member of your staff/organization/family. For this to occur, please contact me with the name, telephone number, and email of your representative and the representative must be available to be contacted and for scheduling of the required visits within fourteen (14) days. IDWR must also receive the contact information of your representative in a timely manner.

If I do not receive the requested information from you within fourteen (14) days, I could take action to void your permit under the provision of Section 42-219(8) of the Idaho Code. If you agree that no beneficial use of water occurred under the permit listed, you can shorten the voiding process by completing the enclosed relinquishment form for each permit affected and returning it to IDWR.

Should you have any questions, please contact me at 208-762-2800.

Respectfully,

[Handwritten signature of Luke Bates]

Luke Bates
Senior Water Resource Agent
Email: luke.bates@idwr.idaho.gov

Enclosure(s): Permit 97-7313; Permit Map; Kalispel Tribe of Indians Ownership Letter

Cc: Mr. Ray Entz, Kalispel Tribe of Indians



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Luke Bates  
Senior Water Resource Agent  
Email: [luke.bates@idwr.idaho.gov](mailto:luke.bates@idwr.idaho.gov)

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IDWR/NORTH

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83815>7763

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