



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

August 16, 2018

TONY HAYES
305 EAGLE VIEW LN
SANDPOINT ID 83864

RE: Place of Use for Water Right 96-2237

Dear Mr. Hayes,

This letter is in response to correspondence received from you on March 13, 2018 regarding the place of use for water right 96-2237. I apologize for the delay in responding.

As stated in the letter from the Department to you dated November 22, 2017, the place of use for water right 96-2237 is property that, according to our records, is owned by Howrey Trust. The license states that this right is for Domestic and Stock watering purposes, however, according to Idaho Code 42-111, stock water is included as part of the domestic meaning. I have enclosed a copy of Idaho Code 42-111 for your benefit.

When the third phase of the Northern Idaho Adjudication commences, which is anticipated to begin sometime after 2020, you will be able to file a claim on this water right. You will need to provide proof that the water was used on your property during the development period.

If you have any questions, please contact the Department. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jean Hersley', written over a horizontal line.

Jean Hersley
Technical Records Specialist II

Enclosures

RECEIVED

MAR 13 2018

DEPARTMENT OF
WATER RESOURCES

7 March 2018

305 Eagleview Lane

Sandpoint, Idaho 83864

Jean Hersley

IDWR

322 E. Front St

PO Box 83720

Boise, Idaho 83720-0098

RE: Place of Use for Water Right 96-2237

Dear Jean Hersley,

First of all thank you for your effort to verify the appropriate location for WR 96-2237. (See enclosed response)

I appreciate your thorough research in identifying the current location.

However, I petition your review of several documents in the IDWR file (included) for this water right, and ask that the additional parcel outlined in pink be added to the updated map for the above water right.

Highlighted on the 'NOTICE OF PROOF OF APPLICATION TO BENEFICIAL USE' on file at IDWR states water has been applied for 'domestic use' and 'stock watering'.

Highlighted on the 'REPORT OF ENGINEER' are the confirmation, '3 outlets in the yard' and in two places 'stock watering'.

On the CD I have included, I have taken a picture of a yard outlet located approximately 70' north of the C/L of the powerline easement outlined on a portion of the recorded survey creating Parcel 1. As you can see, this faucet is located directly over the pipeline supplying the water for Parcel 1 and within the boundaries of a portion of the NE ¼ of the SE ¼ of Govt Lot 1.

This outlet is documented in two places on two separate documents on the original water right, one of which is the engineers report who personally visited the property.

I would appreciate your additional review of this matter and that the water right be extended to my own use on the lower portion of my property for agricultural use.

I have also enclosed a CD with a panoramic view of the entire area taken at the time of your original response, and separate pictures taken recently in the snow.

Thank you,



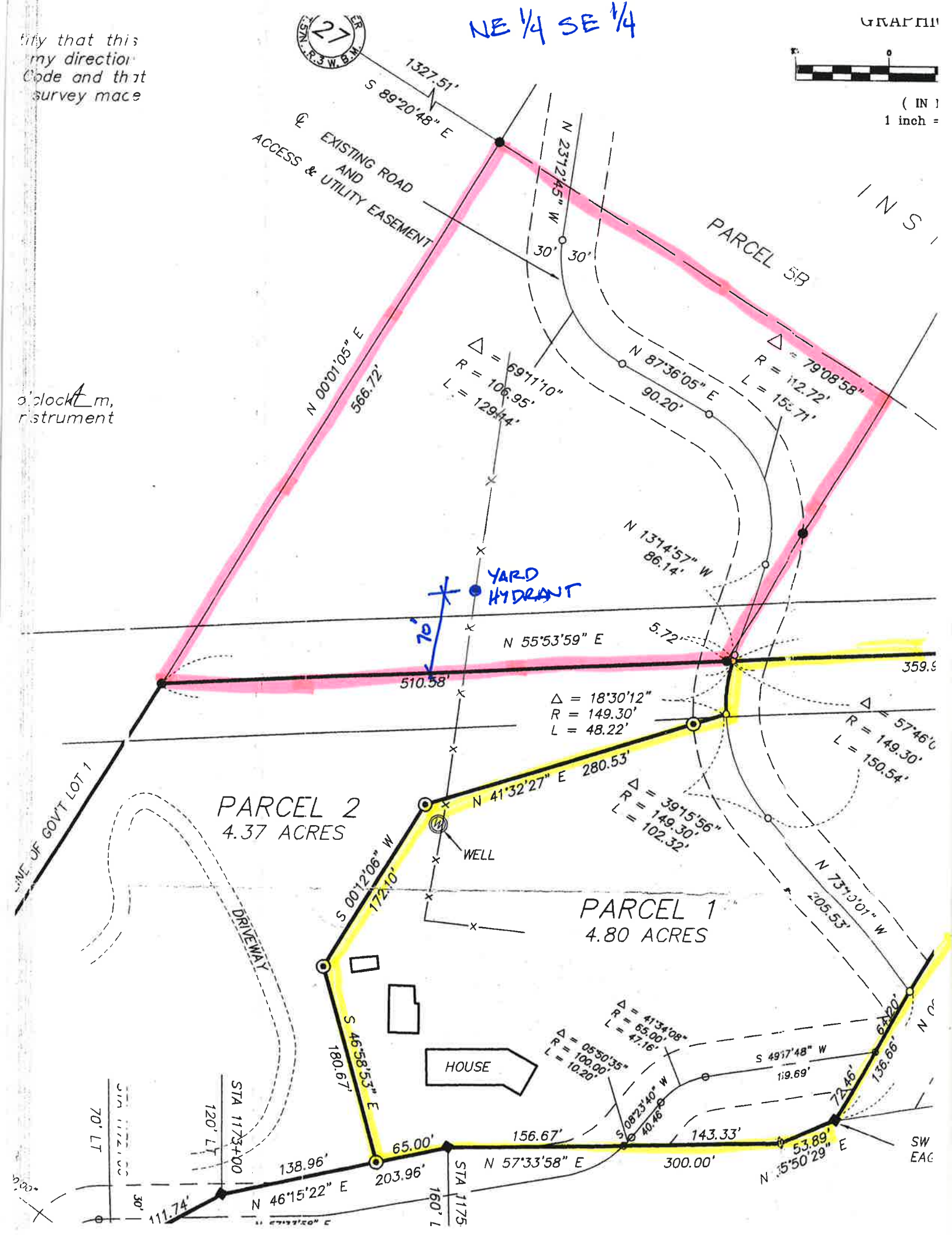
Tony Hayes

o'clock A m,
instrument

УПАДІН



1 inch =





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GARY SPACKMAN
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RESPONSE

November 22, 2017

TC NY HAYES
305 EAGLEVIEW LN
SANDPOINT ID 83864

RE: Place of Use for Water Right 96-2237

Dear Mr. Hayes,

On February 12, 2015, you requested the Department of Water Resources to determine the ownership of water right 96-2237. It is important to note that Idaho Code §§ 42-248 and 42-1409(6), do not provide the Department with authority to change the legal ownership of a water right. However, the Department did try and determine the place of use for water right 96-2237.

I reviewed the Department's back file for water right 96-2237 and through applications, maps, aerial imagery, and other documents, the place of use has been updated to a parcel of land that, according to our tax lot information, is owned by the Howrey Trust. I have attached a map of the updated shape for the place of use for water right 96-2237. The information in the back file suggests the home on this lot was the only home in Township 57N, Range 03W, Section 27, NESE at the time this water right was applied for and decreed.

I am returning all the documents you provided for this research. If you have any questions, please contact me at (208) 287-4942. Thank you.

Sincerely,

Jean Hersley
Technical Records Specialist II

Enclosures

State of Idaho
Department of Water Resources
Water Right License
96-2237

03W

57N



0 0.05 0.1 0.2 Miles

- Point of Diversion
- Place (○) Use Boundary

- Townships
- PLS Sections



try that this
my direction
Code and that
survey mace

d'clock m,
instrument



ORIGINAL
SURVEY



(IN)
1 inch =

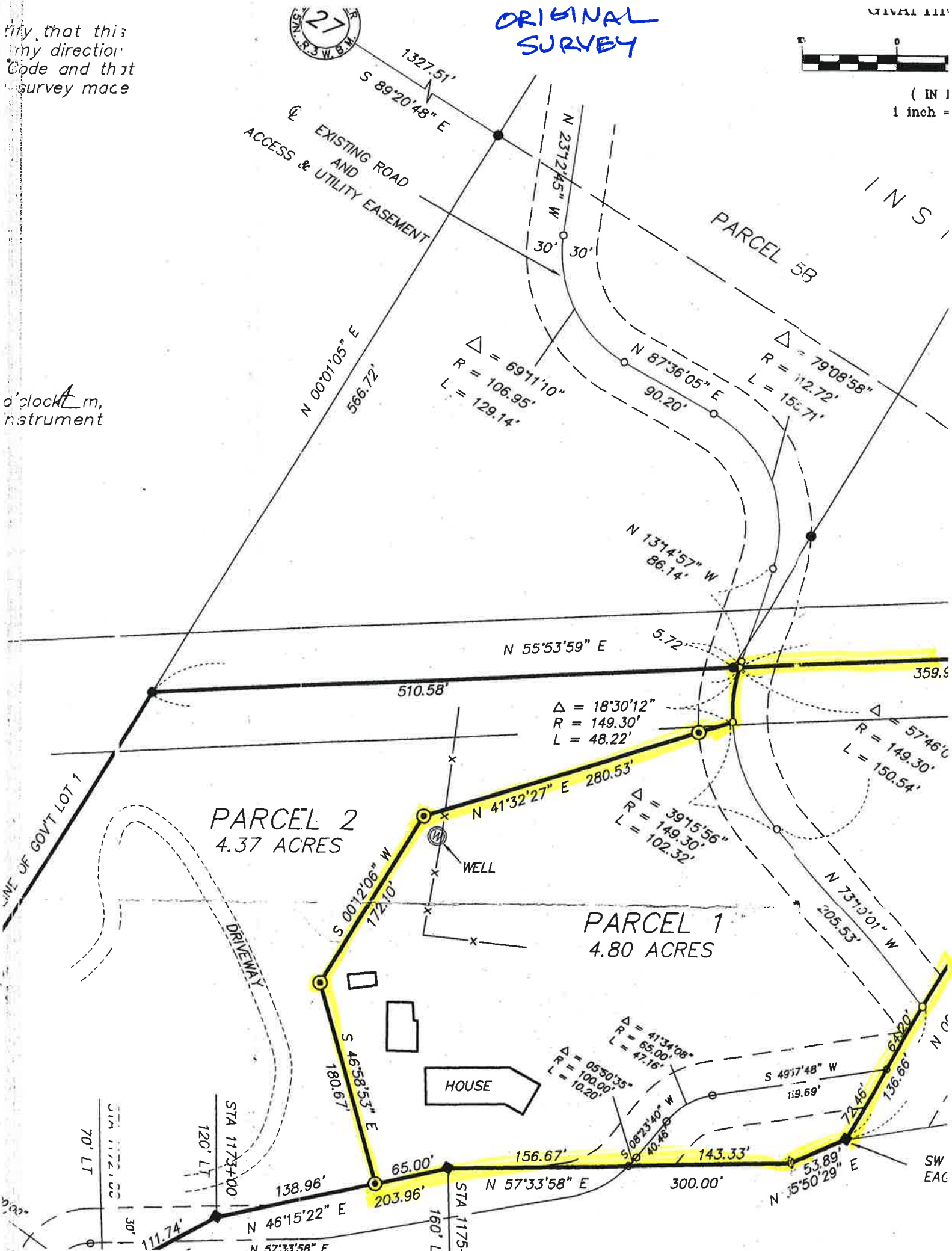


EXHIBIT "C"

Form 10

RECEIVED
NOV 20 1958

Department of Reclamation

NOTICE FOR PUBLICATION
NOTICE OF PROOF APPLICATION OF WATER
TO BENEFICIAL USE

Notice is hereby given that at 10:00 A. M. on the 29th day of December, 1958,
at Sandpoint, County of Bonner, State of Idaho, before
R. W. Ammerman, Notary Public, proof will be submitted of the
application to beneficial use of 0.02 cubic feet per second of the waters of Unnamed
Stream in accordance with the terms and conditions of Permit No. 25280
heretofore issued by the Department of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are

D. W. Blumhagen Box 326 Sandpoint, Idaho

The use to which said water has been applied is Domestic and Stock watering

The amount applied to beneficial use is 0.02 cubic feet per second.

The place where said water is used (if for irrigation, give full and accurate description of the lands irrigated)

Residence on Lot 1, ^{in NE SE} Sec. 27, T. 57 N., Range 3 W. B. M.

Point of Diversion: NW NE¹, Sec. 27, T. 57 N. - R. 3 W. B. M.

The name of the canal or ditch or other works by which said water is conducted to such place of use is

The right to take water from such works is based upon Permit No. 25280

The source of supply from which such water is diverted is Unnamed Stream

The date of priority which said user is prepared to establish is

Nov. 17, 1954
November 1, 1958

State Reclamation Engineer.

25280

EXHIBIT "E"

Form 23

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO
REPORT OF ENGINEER

Permit No. 25280

This proof is for Beneficial Use

In Water District No.

1. Name of applicant D. W. Blumhagen
2. Source of water supply: Small un-named Creek - Tributary of Pond Oreille River
3. Location of point of diversion: Is in the NW 1/4 of Section 27
T. 57 N. R. 3 W.B.M. County of Bonner

4. Describe works as they exist, giving dimensions and capacities of same:

There is a concrete box 3' x 4' x 2' 1/2' in side of brook
with provision for creek water to get in. Streamed
outlet on 1 1/4" pipe. Pipe line leads to house.
Buried below front line. Full plumbing in house.
3 outlets in yard

5. Water is used for: Domestic purposes and stock watering

6. State whether or not water has been turned into works of diversion: yes

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

Domestic use and stock watering - Residence - on Lot 1, NE 1/4 Sec. 27,
Township 57 N., Rge. 3 W.B.M.

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach?

Remarks:

Mr Blumhagen along

This examination was made on the

29

day of

July

1959

(Signed)

E. M. Humphrey

Examiner

25280