



IDAHO DEPARTMENT OF
WATER RESOURCES

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

Director Gary Spackman

August 2, 2023

JOSEPH K SMALLEY
1862 PETERSON RD
PRIEST RIVER, ID 83856-8812

RE: Partial Recommendation of CFRBA Claim No. 97-8762

Dear Claimant,

The Department of Water Resources has received your Clark Fork-Pend Oreille River Basin Adjudication (CFRBA) water right claim. Through our review, it was determined that your claim can only be partially recommended to the Court for the following reason.

The Notice of Claim to a Water Right identified with the number shown above was submitted for the use of both groundwater and a seasonal pond for domestic and stockwater purposes with a claimed priority date of April 19, 1988. While the claimed domestic and stockwater use of your well can be recommended, the additional claimed use of water from the pond cannot be, as that use began after the Mandatory Permit Statute for surface water. The permit system for establishing a water right became mandatory for uses developed from surface water sources after May 20, 1971 (with exception of in-stream stock watering). Our review of aerial photos indicated that the pond on your property was constructed after this date. If the construction and use of the pond began after May 20, 1971, then an Application for Permit should be submitted for that water storage and use. For your convenience, I have enclosed an Application for Permit form with instructions.

If you have any questions or concerns, please feel free to contact our office and we will be happy to help. I can be reached by phone directly during business hours at 208-762-2815 or by email at evan.roda@idwr.idaho.gov.

Best Regards,

Evan W. Roda
Water Rights Supervisor
Northern Region

Enclosure(s): Application for Permit, Instructions