

Cooksey, Greg

From: Cooksey, Greg
Sent: Thursday, February 22, 2024 3:49 PM
To: Mark Blatter
Subject: RE: Claim on license 96-9744
Attachments: Instructions-for-Filing-Application-for-Permit.pdf; Application-for-Permit.pdf

Hi Mark,

Thanks for getting back to me so quickly. I apologize again if there was a misunderstanding on my part when we spoke.

In the case of a water rights adjudication claim, a person is literally "claiming" that the water use in their claim is currently taking place on the property and sending it to the court. There is no provision in state law that allows for predicted or future uses of a water right on the adjudication side; however, there is a way to file for future water rights using a different method that I'll explain shortly.

Water rights are technically considered forfeit after 5 years of non-use. Our department doesn't seek out forfeiture of these water rights, but in your case I would recommend considering an alternate route for obtaining a water right for your property. If you choose to still file a claim for irrigation based on the license, I think there is a good chance that it would be recommended as disallowed to the court based on the aerial photos of the property over the last few years.

This alternate route is a method that was created specifically to record water rights for new or future uses. The process is referred to as the Permit/License method vice the Adjudication Claim method. You can apply for a permit to appropriate public water for your use at any time, now or in the future. There is no deadline for this. From the date you submit the application for permit and pay the fee, you have up to 5 years to complete any projects and get that water use into place. So this means you could apply for a permit today, and not even begin to irrigate out of the creek for another 5 years. Once you do finally begin using the permitted water, you will need to send us a notice of completion to let us know that you have everything in place, and then we will move forward with perfecting the permit into a license. That resulting license is a water right, just like the claim turns into a decree.

For your convenience, I have attached a blank Application for Permit along with the instructions for completing it. Again, there is no deadline for filing this permit application. If you don't believe your water use would begin within the next 5 years, it might be best to hold off until you have more specific plans. Please let me know which direction you'd like to take, but I do recommend the permit/license route in your case.

Regards,

Greg Cooksey

Senior Water Resource Agent

Idaho Department of Water Resources, Northern Region

7600 N Mineral Drive, Suite 100

Coeur d'Alene, ID 83815-7763

Phone (208) 762-2810 / 2800

<https://idwr.idaho.gov>



From: Mark Blatter <markblatter@msn.com>

Sent: Thursday, February 22, 2024 11:00 AM

To: Cooksey, Greg <Greg.Cooksey@idwr.idaho.gov>

Subject: Re: Claim on license 96-9744

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Greg, it's been awhile since it was irrigated (before my ownership.) I don't have any information on a date.

Mark

Sent from my iPhone

On Feb 22, 2024, at 10:05 AM, Cooksey, Greg <Greg.Cooksey@idwr.idaho.gov> wrote:

Good morning Mark,

I apologize, I know we discussed that and I must have forgotten. Can you remind me how long it's been since the property has been irrigated under that license? I'm looking at a couple of decades of aerial photos, and it looks like it may have been a while.

Thanks,

Greg Cooksey

Senior Water Resource Agent

Idaho Department of Water Resources, Northern Region

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<https://idwr.idaho.gov>

<image001.jpg>

From: Mark Blatter <markblatter@msn.com>

Sent: Wednesday, February 21, 2024 11:59 AM

To: Cooksey, Greg <Greg.Cooksey@idwr.idaho.gov>

Subject: Re: Claim on license 96-9744

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Hi Greg, as we discussed, I am not currently irrigating, but interested in maintaining the irrigation rights for future use. Can I do that?

Mark

From: Cooksey, Greg <Greg.Cooksey@idwr.idaho.gov>

Sent: Wednesday, February 21, 2024 11:25 AM

To: markblatter@msn.com <markblatter@msn.com>

Subject: Claim on license 96-9744

Hi Mark,

I am working on preparing that claim for your license, and I noticed that a significant portion of your parcel is raw forested land. This can make it a little more difficult to accurately determine where you are irrigating. In order to prepare this claim as accurately as possible, I have included two maps of your property to indicate irrigation and diversion areas for your water use. Please edit these maps, either by printing and marking on them or digitally editing them, and indicate where your pump is located or where you capture the water from the source, and also indicate the areas that you are irrigating. If only one map is needed, there is no need to edit both maps.

Please don't hesitate to reach out with any questions.

Regards,

Greg Cooksey

Senior Water Resource Agent

Idaho Department of Water Resources, Northern Region

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