

Cooksey, Greg

From: Cooksey, Greg
Sent: Thursday, April 25, 2024 10:40 AM
To: 'Sarah McOwen'
Subject: RE: Cockrill/Re: IDWR Claim 96-7387, 96-15933, 96-15934, 96-15935
Attachments: Receipt.pdf; 96-15934 NOTICE OF CLAIM.pdf; 96-15935.pdf; 96-15933 NOTICE OF CLAIM.pdf

Good Morning!

Thank you for the message. Unfortunately, I was not able to view the attachment to your last e-mail. I started digging a little deeper because it seemed like there was something there that I wasn't seeing based on your e-mail. I did discover three active claims filed for your clients back in April of 2023. One is for surface water from an unnamed stream used for irrigation, and the other two are both for groundwater (wells) and they're claimed for both domestic and stockwater uses. The reason I wasn't initially able to find them is because our department is experiencing an ongoing issue with electronic records, and I had to look for the original paper claims. I did locate them, and I have attached copies of all three claims to this e-mail along with the receipt for payment. These claims are active, and they have been paid for. The issue with our electronic records will not cause any issues with these claims because we actually use the hard copies of the claims for each recommendation to the court.

Based on our conversations, I believe that all of your clients' water uses we have discussed will be properly claimed once we receive 96-7387 (which I prepared for you) in our office with payment.

These claims to a water right will include:

96-7387 – claim based on a license for recreation storage (the pond)
96-15933 – claim for surface water from unnamed stream for irrigation purposes
96-15934 – claim for domestic & stockwater use of a well (groundwater)
96-15935 – claim for domestic & stockwater use of a well (groundwater)

If your clients have any water uses that fall outside of what has/is being claimed, please contact me and I can point you in the right direction. In the meantime, don't hesitate to reach out with any other questions.

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: Sarah McOwen <sarah@smithmcowenlaw.com>
Sent: Thursday, April 25, 2024 8:16 AM
To: Cooksey, Greg <Greg.Cooksey@idwr.idaho.gov>
Subject: Re: Cockrill/Re: IDWR Claim 96-7387

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Good Morning!

I hope that you are doing well.

As you recall, we spoke about my client possibly submitting a Notice of Claim for his two domestic wells. My client has decided he would like to do this. However, when searching the IDWR website for information relating to my client, I found three active results (see attached). One is for a stream and the other two are for ground water. The priority dates for the ground water is 2007 and 1975. This makes me wonder whether the wells are actually already included in a water right. Will you please help me understand what the search results are showing, and whether there is already a claim for the wells?

Assuming we do need to complete a Notice of Claim for the wells, I have a few questions on the form:

For Item 4, what would be the point of diversion? May we use the same point as on the current license (96-7387)?

For Item 9, I have the same question as for Item 4.

Thanks, Greg!

Sarah McOwen,
Licensed in ID and CA
Smith & McOwen
Attorneys at Law, Chartered
P.O. Box C
Sandpoint, Idaho 83864
Tel. No. (208) 263-3115
Fax No. (208) 255-4325
[Email: sarah@smithandmcowenlaw.com](mailto:sarah@smithandmcowenlaw.com)

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From: Sarah McOwen <sarah@smithmcowenlaw.com>
Date: Thursday, April 18, 2024 at 4:59 PM
To: "Cooksey, Greg" <Greg.Cooksey@idwr.idaho.gov>
Subject: Cockrill/Re: IDWR Claim 96-7387

Hello,

Wow, thank you for all of the documents that you prepared and provided. This is helpful and very much appreciated.

I will communicate the substance of our conversation to my client and get back to you regarding his requested direction.

Have a good evening!

Sarah McOwen,
Licensed in ID and CA
Smith & McOwen
Attorneys at Law, Chartered
P.O. Box C
Sandpoint, Idaho 83864
Tel. No. (208) 263-3115
Fax No. (208) 255-4325
[Email: sarah@smithandmcowenlaw.com](mailto:sarah@smithandmcowenlaw.com)

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From: "Cooksey, Greg" <Greg.Cooksey@idwr.idaho.gov>
Date: Thursday, April 18, 2024 at 3:44 PM
To: Sarah McOwen <sarah@smithmcowenlaw.com>
Subject: IDWR Claim 96-7387

Hi Sarah,

Thanks for getting back to me so quickly with your contact information. I have prepared the partially completed notice of claim that can be used to claim your client's existing license (96-7387). I used all of the information in the license, and applied it to the claim. If there are any corrections, please be sure to initial them if correcting them by pen. You may also contact me, and I can generate a new document with the corrections on it. Please be sure to sign the notice of appearance at the bottom. Once that is signed, we do not need a signature from your clients on the claim form unless they would like to sign. I have also attached a map of your client's property. When returning the claim to our office, it would be helpful if you or the clients could indicate where the point of diversion and the place of use for the water right exists on the map. Even just a simple drawing with pen or marker would be fine.

Notice of claim forms can be used to claim any additional water rights that are eligible for claims. For your convenience, I have attached what we refer to as "the short form". This form is for de minimis domestic and stockwater claims only. One or both of your client's well may be claimed using this form for domestic and/or stockwater purposes. Additionally, it is possible to claim a "spring" for domestic or stockwater use using this claim, but as we discussed on the phone, evidence of beneficial use prior to May 20, 1971 will be required in order to comply with the mandatory permit statute. All de minimis claims are a \$25.00 fee. A single check for the sum of all fees can be sent to our office and made out to IDWR. If there is no evidence of beneficial use of that spring before 1971, a new water right can be recorded using the other attached documents titled Application for Permit.

Please reach out if you have any further questions.

Regards,

Greg Cooksey

Senior Water Resource Agent

Idaho Department of Water Resources, Northern Region

7600 N Mineral Drive, Suite 100

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