



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 Mathew Weaver

July 15, 2024

DOUG PETERSON
ZENNA PETERSON
6154 EASTRIVER RD
PRIEST RIVER, ID 83856-9553

RE: Disallowal of CFPRBA Claim No. 97-4034 & Partial Recommendation of CFPRBA Claim No. 97-4035

Dear Claimants,

The Department of Water Resources has received your Clark Fork-Pend Oreille River Basin Adjudication (CFPRBA) water right claims. Through our review, it was determined that one of the claims can only be partially recommended to the Court, and another must be recommended as disallowed for the following reasons.

The Notice of Claim to a Water Right identified with number 97-4034 was submitted for the use of water from the East River for stockwater purposes and the irrigation of 10 acres with a claimed priority date of June 1, 1940. There was no evidence provided to support the claimed priority date. The statutory water right claim that your current claim is based upon is insufficient to serve as evidence of beneficial use as it was never proven up, nor was a field examination ever performed on the property. Before a recommendation could be completed for this claim, it was determined that a field examination must be performed to measure the capacity of the diversion works and confirm the beneficial use of the water for the claimed purposes. IDWR contacted you on July 11, 2024, to schedule a field exam on the property, and learned that there is no diversion system in place and it has been some time since the property was irrigated. As the diversion capacity and beneficial use of the claimed water source cannot be confirmed, this claim must be recommended to the Court as disallowed.

The other Notice of Claim to a Water Right, identified with number 97-4035, was submitted for the use of water from the Mill Creek for domestic purposes and the irrigation of 5 acres with a claimed priority date of June 1, 1936. There was also no evidence provided to support this claim. Like the claim described above, the statutory water right claim that this claim is based upon is insufficient to serve as evidence of beneficial use. Because the diversion capacity and extent of irrigation cannot be measured or confirmed, the irrigation portion of this claim cannot be recommended. However, the department was able to find sufficient evidence to recommend the domestic portion of this claim. Claim 97-4035 will be recommended for the diversion of 0.04 CFS from an unnamed stream (locally known as Mill Creek) for domestic purposes with a priority date of June 1, 1936.

PLEASE NOTE: The disallowal and/or partial recommendation of your claims does not prevent the acquisition of new water rights on the property in the future. If you would like to irrigate more than the ½ acre included with your domestic water right(s), you will just need to apply for a permit for that additional usage. For your convenience, I have enclosed an Application for Permit form along 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 directly by phone during business hours at 208-762-2815 or by email at evan.roda@idwr.idaho.gov.

Best Regards,

A handwritten signature in black ink, appearing to read 'Evan W. Roda', with a stylized, sweeping flourish extending to the right.

Evan W. Roda
Water Resources Supervisor
Northern Region

Enclosure(s): Application for Permit, Instructions