



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

October 7, 2024

JOHN A FINNEY
FINNEY FINNEY & FINNEY, P.A.
120 E. LAKE ST, STE 317
SANDPOINT, ID 83864

RE: Evidence of priority date for Sundance Condominium Association CFPRBA Claim No. 97-4070

Dear Mr. Finney,

The Department of Water Resources has received the Clark Fork-Pend Oreille River Basin Adjudication (CFPRBA) water right claim you submitted for your client, the Sundance Condominium Association. We are currently unable to recommend this claim for the following reason.

The Notice of Claim to a Water Right identified with the number shown above was submitted for the use of groundwater for domestic purposes (14 units) with claimed priority date of January 1, 1950. Sufficient evidence of beneficial use was not submitted with the claim to support the priority date and prove the extent of beneficial use at that time. 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. Additionally, the statutory claim originally claimed a diversion rate of 0.04 CFS, but the CFPRBA claim you have filed for that system includes a diversion rate of 0.56 CFS. If the diversion and use of the claimed water source was increased after March 25, 1963, then the additional water usage is in violation of the mandatory permit statute for groundwater and an Application for Permit should be submitted for the additional use. We will move forward with the recommendation of this water right claim once provided sufficient evidence to verify the extent of beneficial use of the claimed water source for domestic purposes within the claimed place of use beginning on or before the priority date claimed. This evidence should reflect the number of homes served, as well as the diversion capacity of the water system at that time. **Please submit the required evidence within 30 days, referencing all documents with the corresponding claim number.**

PLEASE NOTE: IDWR will recommend the Court decree this claim as disallowed if no further evidence is submitted. It will be to your advantage to provide clear and convincing evidence.

If you have any questions or concerns, do not hesitate to contact our office and we will be happy to help. I can be reached by phone during business hours at 208-762-2800 or by email at evan.roda@idwr.idaho.gov.

Best Regards,

Evan W. Roda
Water Resources Supervisor
Northern Region