

**From:** Roda, Evan  
**Sent:** Tuesday, September 24, 2024 9:57 AM  
**To:** Dylan R. Hedden-Nicely  
**Cc:** 'Scott Mannakee'; 'Ray Entz'; 'Claire Newman'  
**Subject:** RE: Kalispel Water Right Claims (State Law, Basin 97) -- Part 1  
**Attachments:** Withdrawal of Claim - Form 25a No Refund.pdf; 97-9714 Well Log.PDF; 97-9715 Well Log.PDF

Good morning Dylan,

We've been very busy with our Notice of Error period, and I hadn't yet gotten a moment to respond to the questions in your previous email.

To address your questions below:

- 1) (Assuming your question is in regard to 97-2017) – 97-2017 is a claim based upon a previously issued water right license. It is not possible to recommend the claim with a priority date earlier than the license it is based upon (7/10/1924).
- 2) 97-9716 – This claim is for in-stream stockwater, and the claimed place of use includes four different tax parcels. Evidence submitted to support this claim should reflect the presence of livestock use within the claimed place of use, dating back to the claimed priority date. You mention that the property was a base property for a USFS grazing allotment. Dated documents connecting the claimed tax parcels to that stockwater use may help to support the claim. As four tax parcels are included, it may also be helpful to provide documentation reflecting consistent ownership of those parcels with along with the dated lease documents. The grazing allotment map previously submitted as evidence is dated August 27, 2024, and includes handwritten notations pointing to a very large land area that includes many parcels under varying ownership. That will not suffice as sufficient evidence to support a recommendation of this claim.
- 3) 97-9717 – With the former owners having passed away and no documentation of the stockwater use on the property, the available evidence may be insufficient for us to recommend this claim. Keep in mind that a water right is not needed to water livestock in-stream, and this adjudication process will not prevent the acquisition of new water rights in the future. If you wish to withdraw the claim, a Request for Withdraw of Claim form should be submitted (attached).
- 4) 97-9715 – This claim was filed for domestic and stockwater use of groundwater with a claimed priority of 10/3/1994. Through my review of the claim and available evidence, I determined that this claim is for the domestic and stockwater uses associated with the property located at 605 Goose Creek Rd., formerly owned by Deloris Flesher. The driller's report for the well serving the property (attached) indicates its completion on 10/5/1994 (drilling started 10/3/1994), with a maximum yield of 5 gallons per minute (GPM). After allowing for 2 GPM of potential fluctuation (7 GPM), I recommended a maximum diversion rate of 0.02 CFS (equivalent of approx. 9 GPM). The diversion rates are not always cumulative, and the maximum rate recommended cannot exceed the known capacity of the claimed well or diversion works.
- 5) Claim 97-9714 was filed for domestic and stockwater use of groundwater at the property located at 3867 Squaw Valley Rd., with a claimed priority of 7/30/2011. My review of available evidence included the well driller's report for that property (attached). That report indicates that the well

was completed on 8/14/2011 (drilling started 7/30/2011), with a maximum yield of 20+ GPM. Based on the known capacity of this well, I recommended the high end of our standard diversion rates appropriate for the claimed uses – 0.04 CFS for domestic purposes in one home, and 0.02 CFS for stockwater, which is the applicable rate for up to 50 head of cattle. The quantity and type of livestock was not listed on the claim, and aerial photos of the property do not reflect the impacts of a significant number of stock.

Hope this addresses your questions. Please let me know if any further questions or concerns arise, and I will address them as quickly as I can. As I continue my review and recommendation of the remaining claims, I will contact you if I have any additional questions.

Best Regards,

~Evan

**From:** Dylan R. Hedden-Nicely <dylan@hedden-nicely.com>  
**Sent:** Monday, September 23, 2024 4:28 PM  
**To:** Roda, Evan <Evan.Roda@idwr.idaho.gov>  
**Cc:** 'Scott Mannakee' <SMannakee@kalispeltribe.com>; 'Ray Entz' <rentz@kalispeltribe.com>; 'Claire Newman' <cnewman@kanjikatzen.com>  
**Subject:** RE: Kalispel Water Right Claims (State Law, Basin 97) -- Part 1

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Thanks so much, Evan. We continue to work on our end as well. Toward that end, I wanted to follow up with you on a few questions we had in our previous email:

1. For 97-2014, would it be possible to recommend an earlier priority date given the evidence submitted or would we have to file an amended claim?
2. For 97-9716, do you have any suggestions for other potential sources of evidence we should consider running down? If not, can you tell us the most efficient way to withdraw that claim?
3. For 97-9715, Can you help us to understand why the domestic claim is smaller than 97-9714 and why the total is not additive (as it is for 97-9714)?

Thanks so much for your continued help!

**From:** Roda, Evan <Evan.Roda@idwr.idaho.gov>  
**Sent:** Tuesday, September 17, 2024 9:32 AM  
**To:** dylan@hedden-nicely.com  
**Cc:** 'Scott Mannakee' <SMannakee@kalispeltribe.com>; 'Ray Entz' <rentz@kalispeltribe.com>; 'Claire Newman' <cnewman@kanjikatzen.com>  
**Subject:** RE: Kalispel Water Right Claims (State Law, Basin 97) -- Part 1

Thank you, Dylan. I will get the submitted evidence into the corresponding claim files and include it in my review and recommendation of the claims. I'll let you know if any questions arise during my review.

Have a great week,