



IDAHO DEPARTMENT OF
WATER RESOURCES

Northern Region • 7600 N Mineral Drive, Suite 100 • Coeur D'Alene, ID 83815-7763
Phone: 208-762-2800 • Fax: 208-762-2819 • Email: northerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Mathew Weaver

October 9, 2024

ANITA NIKIFORUK
RICHARD MCGEE
612 GOA WAY
PRIEST RIVER, ID 83856

RE: Notice of Error Reply for Clark Fork-Pend Oreille River Basin Adjudication (CFPRBA) Claim No. 97-2034

Dear Claimants,

The Idaho Department of Water Resources has reviewed the Notice of Error Reply for CFPRBA claim no. 97-2034. We are unable to make the requested revisions to your claim recommendation at this time for the following reason.

The Notice of Claim to a Water Right identified with the number shown above was filed for the use of water from Tunnel Creek for domestic purposes and the irrigation of 30 acres with a claimed priority date of April 26, 1948. This claim was based upon previously issued water right license no. 97-2034. In your Notice of Error reply, you requested that the recommended place of use for irrigation be expanded to also include the southwest corner of the property. The recommended place of use is based upon the original license, and totals 30 acres in size, as licensed. If you would like the recommended place of use to be revised to include that additional land, we will need a map clarifying which land currently recommended should be removed.

Additionally, your Notice of Error reply requests that the 13,000 gallon per day (GPD) limitation for domestic use be removed. When you filed the claim, because the \$2 variable fee wasn't paid for the domestic use, that use was claimed as a *de minimis* usage, meeting the requirements of Section 42-111, Idaho Code, which includes a 13,000 gallon per day limit. If you submit the \$2 variable fee for the domestic use, IDWR can remove the condition limiting the domestic use to 13,000 gallons per day.

Lastly, your reply states that your attempts to file an online claim for water right 97-2003 was not accepted and your paperwork was refused. While it is now too late for us to troubleshoot why the online claim was not accepted, it may have been because that water right number had already been claimed. If a valid claim form with payment is submitted to our office, it will not be refused unless required elements are omitted. A review of the backfile for water right no. 97-2003 indicates that the water right is not appurtenant to your property. Your property (parcel no. RP57N05W076000A) is located within Section 7, and the place of use for that water right is located entirely within Section 18. Although the water diversion may be located within your property, a water right is appurtenant to the place of use, not the point of diversion. However, the issuance of a water right does not grant easement onto the land of another.

If you would like to pay the variable fee of \$2 for the domestic use claimed in 97-2034, and/or would like the department to revise our currently recommended place of use for the irrigation occurring under that right, please submit the additional \$2 fee and/or map to our office at the address shown above. **As our time in that region is growing short, please submit those to the department within 14 days, referencing claim no. 97-2034 with anything submitted.**

PLEASE NOTE: If the additional filing fee and/or irrigation map are not submitted within 14 days, no changes to IDWR's previous recommendation of claim no. 97-2034 will be made.

If you have any further questions or concerns, do not hesitate to contact our office and we will be happy to help. We can be reached by phone during business hours at 208-762-2800.

Sincerely,

A handwritten signature in black ink, appearing to read 'Evan W. Roda', with a stylized, cursive script.

Evan W. Roda
Water Resources Supervisor
Northern Region