



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

November 1, 2024

AUSTIN RAINE
RT 5 BOX 145
PRIEST RIVER, ID 83856

RAINE TRUST
C/O O AUSTIN & M GAYLE RAINE
28558 HWY 57
PRIEST RIVER, ID 83856

RE: Ownership of Clark Fork-Pend Oreille River Basin Adjudication (CFPRBA) Water Right Claim No. 97-7128, recommendation of claim and possible unlawful water use

Dear Claimant(s),

The Department of Water Resources has completed our review and recommendation of your Clark Fork-Pend Oreille River Basin Adjudication (CFPRBA) water right claim. Through our initial review, it was found that the claim ownership differs from that reflected in Bonner County records. Additionally, the water use on your property may have been expanded beyond the limits of the appurtenant water right.

Notice of Claim to a Water Right no. 97-7128 was submitted for the use of water from Lamb Creek for the irrigation of 70 acres, based upon a previously issued water right license. The place of use for the water right and claim includes tax parcels nos. RP60N05W255596A, RP60N05W262250A, RP60N05W270152A, and RP60N05W213000A. Bonner County records list the current owner of those parcels as the Raine Trust, C/O O Austin & M Gayle Raine, trustees. Claim no. 97-7158 was filed in the name of the trust, but also in the name of Austin Raine. While Austin Raine may be associated with the trust, it is best for the ownership of a water right claim to match that of the listed property owner. Before we can modify the records to reflect the trust's sole ownership of the claim, an Amended Notice of Claim to a Water Right or Notice of Change in Water Right Ownership must be submitted. For your convenience, I've enclosed a change in ownership form, and will be happy to assist with an amended claim if contacted. If submitting the change in ownership form, the appropriate conveyance document to attach would be a quitclaim deed from Austin Raine conveying all his ownership interest in CFPRBA claim no. 97-7128 to the trust.

PLEASE NOTE: If an amended claim or the enclosed change of ownership document is not completed and returned, then the water right claim affecting your property may be decreed by the court in the additional individual's name and the trust's, which may cause some difficulty in the future when the property is conveyed to another party.

During our review of the claimed property, it was found that a significant amount of land is possibly being irrigated without a water right. Water right no. 97-7128 includes the irrigation of 70 acres, and I have enclosed an irrigation layout map reflecting our current recommendation of the associated claim. However, our review of historical aerial photos reflects an additional 32.5 acres of cultivated land within

your property that may be actively irrigated without a water right. For reference, I've enclosed a map with those acres highlighted in orange. The permit system for establishing a water right became mandatory for uses developed from surface water sources after May 20, 1971 (with exception of in-stream stock watering). If any irrigation of the pictured lands began after that date, then it is currently unlawful, and an Application for Permit must be submitted. For your convenience, I have enclosed an Application for Permit form along with instructions.

PLEASE NOTE: If an Application for Permit is not submitted, any continued use of surface water on site for irrigation beyond the 70 acres already licensed may be subject to future regulatory action.

If you have any questions or concerns, please feel free to contact our office and we will be happy to help. We can be reached by phone during business hours at 208-762-2800.

Best Regards,

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

Evan W. Roda
Water Resources Supervisor
Northern Region

Enclosures: Application for Permit with Instructions, Notice of Change in Water Right Ownership form with Instructions

CULTIVATED ACRES WITHOUT WATER RIGHT

2013 AERIAL PHOTO

