

08/07/2024

RECEIVED

OCT 09 2024

DEPARTMENT OF
WATER RESOURCES

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: 10/4/2024

Water right number: 97-2034

ANITA NIKIFORUK

612 GOA WAY

PRIEST RIVER ID 93856

Telephone Number: (208) 428-0027

RICHARD MCGEE

612 GOA WAY

PRIEST RIVER ID 83856

Telephone Number: (208) 428-0027

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

MULTIPLE SEE ATTACHED

2. Describe the changes you wish to make in the proposed recommendation:

SEE ATTACHED -

3. Give a brief explanation as to why you disagree with these portions:

NOT IN THE ORIGINAL WATER RIGHT RESTRICTION OF USE OR AMOUNT

 I AGREE with this proposed recommendation: no changes need to be made.

DATE: 9-30-24

SIGNATURE: *Richard McGee*

Please print your name: Richard McGee

IDWR Regional Office, 7600 N MINERAL DR STE 100, COEUR D ALENE, ID 83815-7763, (208) 762-2800

September 30, 2024

Idaho Depart of Water Resources

RE: Water right 97-2034

Dear IDWR,

I do appreciate the work you are doing. However, there are several changes that need to be addressed in your recommended adjudication.

- 1) Attached is the map showing the area not covered that should be covered. SW corner needs to be included in the boundary as outlined in the attached map.
- 2) You are modifying the existing right and that is unacceptable. The right is grand fathered in. No restriction on use or gallons usage is in the original right. To place a restriction, violates our rights, where no issue existed before. Please remove the water restriction of 13K gallons.
- 3) Separate issue: Right number 6862 from 1914. Whereas the map and documentation clearly shows at one time this property was the location of the diversion and dam as part of the original permit. The land was later sold and is now part of our property. Water right original filed in 1914 permit number 6862, 9881 renumbered to 97-2003. Since the State took the position to not accept our claim, utilizing the online system and by a lengthy conversation, in which we were told we had no right, refused our paperwork. We wish to include the water and diversion stated in this claim that is on this property. While property, boundaries may change, the right should still apply. Therefore we ask that this right be included but with a priority date of 1914 for this portion.

The only portion of interest is the one affecting our property for diversion and dam. I will stress again the State, IDWR Coeur d'Alene office stated we had no right even though the permit covered the diversion and dam on this property. We do have a complete copy of the 1914 permit and maps in our possession.

If you have any questions, please feel free to write, email or call. We hereby request that any personal information such as email and phone numbers be redacted and informed notification. Simply put, we value our privacy.

May God Bless!

Thank you,
With kindest regards,
I remain,



Richard McGee
208-428-0027
lovetofly@tutanota.com

08/07/2024

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 97-2034

NAME AND ADDRESS: ANITA NIKIFORUK
612 GOA WAY
PRIEST RIVER ID 93856

RICHARD MCGEE
612 GOA WAY
PRIEST RIVER ID 83856

SOURCE: TUNNEL CREEK TRIBUTARY: LOWER WEST BRANCH PRIEST RIVER

QUANTITY: 0.600 CFS
The quantity of water under this right for domestic use shall not exceed 13,000 gallons per day.

PRIORITY DATE: 04/26/1948

POINT OF DIVERSION: T57N R05W S7 SWSW Lot 4 Within BONNER County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	DOMESTIC	01/01 12/31	0.020 CFS
	IRRIGATION	04/01 10/31	0.600 CFS

Domestic use is for 1 home.

PLACE OF USE:

<u>IRRIGATION in BONNER County</u>			
T57N R05W S07	SESW	23.00	T57N R05W S07 Lot 4 SWSW 7.00
<u>DOMESTIC in BONNER County</u>			
T57N R05W S07 Lot 4	SWSW		

30 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Idaho Code § 42-1412(6).

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Right includes accomplished change in point of diversion pursuant to Idaho Code § 42-1425.

Right includes accomplished change in place of use pursuant to Idaho Code § 42-1425.

This claim was renumbered from former claim 97-8742

Source is also known as Tunnel Creek, North Branch.

Point of Diversion Parcel No. RP57N05W076000A; Place of Use Parcel Nos. RP57N05W076000A, RP57N05W074950A, RP57N05W074900A, & RP57N05W074800A

State of Idaho
Department of Water Resources
Adjudication Recommendation
97-2034

