

Diana Delaney

From: Ted Booth
Sent: Thursday, March 14, 2024 1:28 PM
To: Diana Delaney
Subject: FW: Updated Recommendation Reports for 95-16445 and 95-18409
Attachments: Updated DirectorReportActive_95-16445.docx; Updated DirectorReportActive_95-18409.docx

From: Saxton, Craig <Craig.Saxton@idwr.idaho.gov>
Sent: Thursday, March 14, 2024 12:09 PM
To: Ted Booth <tbooth@idcourts.net>
Cc: Rammell-O'Brien, Lacey <Lacey.Rammell-OBrien@idwr.idaho.gov>
Subject: Updated Recommendation Reports for 95-16445 and 95-18409

Hello Ted,

Sorry for the delay. Attached are the recommendations for 95-16445 and 95-18409 that you requested. I will summarize the changes:

95-16445:

I corrected the parcel number for the Place of Use to 52N03W095000 (Parcel T).
I corrected the parcel number for the Point of Diversion to 52N03W097100 (Parcel V).

Parcel S: We spoke about if the place of use should include Parcel S (PIN 52N03W095300). I was going to include it as we discussed, but I see it is now owned by Mark Cruson. A search of the Kootenai County website shows that Farley sold that parcel to Gideon on 6/10/2022. Since parcel S wasn't included on the original claim indicating that there was historic use on parcel s, and Farley doesn't own it, I opted not to add the PIN number for Parcel S (PIN 52N03W095300) on the explanatory condition for 95-16445. However, if you feel differently, we can always add it back in.

I added a combined use limit discussed in the 706 Report:

Right Nos. 95-16445 and 95-18409 are limited to a total combined diversion rate of 0.02 cfs.

I modified the combined use condition limiting all rights to 13,000 gallons per day as discussed in the 706 report and removing the reference to "for stockwater only".

The removal of the reference to "for stockwater only" was **NOT** mentioned in the 706 report.:

The quantity of water under Right Nos. 95-16445, ~~and 95-17752,~~ and 95-18409 ~~for stockwater use~~ shall not exceed 13,000 gallons per day.

Finally, I propose removing the individual 13,000 gallon per day limit as it is redundant. This change is **NOT** mentioned in the 706 report.

~~The quantity of water under this right shall not exceed 13,000 gallons per day.~~

95-18409:

I corrected the parcel number for the Place of Use to 52N03W094700.

In addition, you spoke about adding some reference to the parcel numbers in the Place of Use section on the water right instead of the Explanatory conditions. My concern with that is that parcel numbers change. I don't know how often, but it seems like keeping the PIN in the explanatory condition will allow us to still retain the information in IDWR's database, but also allows us some flexibility to updated it after the PD is issued since they won't be on the face of the decree.

Let me know if you want to discuss any of this.

Thanks,

C

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IDAHO DEPARTMENT OF
WATER RESOURCES

03/14/2024

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

RIGHT NUMBER: 95-16445

NAME AND ADDRESS: BRIAN T FARLEY
23134 N DERTING RD
HAYDEN ID 83835-7331

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.020 CFS

The quantity of water under Right Nos. 95-16445, ~~and 95-17752, and 95-18409 for~~
~~stockwater use~~ shall not exceed 13,000 gallons per day.

~~The quantity of water under this right shall not exceed 13,000 gallons per day.~~

Right Nos. 95-16445 and 95-18409 are limited to a total combined diversion rate of
0.02 cfs.

PRIORITY DATE: 03/31/1999

POINT OF DIVERSION: T52N R03W S9 SESW Within KOOTENAI County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	STOCKWATER	01/01 12/31	0.020 CFS

PLACE OF USE:
STOCKWATER in KOOTENAI County
T52N R03W S09 NESW

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. Section 42-1412(6), Idaho Code.

The quantity of water decreed for this water right is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Point of Diversion Parcel No. ~~52N03W095000~~ 52N03W097100.
Place of Use Parcel No. ~~52N03W097100~~ 52N03W095000

Stockwater use is for 12 cattle and/or horses.

03/14/2024

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

RIGHT NUMBER: 95-18409

NAME AND ADDRESS: ARTHUR V GIDEON
23452 N DERTING RD
HAYDEN ID 83835

KATHERINE M GIDEON
23452 N DERTING RD
HAYDEN ID 83835-7883

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.020 CFS

The quantity of water under right nos. 95-16445, 95-17752 and 95-18409 shall not exceed 13,000 gallons per day.

Right Nos. 95-16445 and 95-18409 are limited to a total combined diversion rate of 0.02 cfs.

PRIORITY DATE: 03/31/1999

POINT OF DIVERSION: T52N R03W S9 SESW Within KOOTENAI County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	DOMESTIC	01/01 12/31	0.020 CFS
	STOCKWATER	01/01 12/31	0.020 CFS

PLACE OF USE:

STOCKWATER in KOOTENAI County
T52N R03W S09 SENW
DOMESTIC in KOOTENAI County
T52N R03W S09 SENW

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. Section 42-1412(6), Idaho Code.

The quantity of water decreed for this water right is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Point of Diversion Parcel No. 52N03W097100.
Place of Use Parcel No. ~~52N03W095000~~ 52N03W094700.

Right No. 95-16445 is also diverted through the point of diversion described above.

Stockwater use is for 12 cattle and/or horses.