

Roda, Evan

From: Roda, Evan
Sent: Monday, September 15, 2025 1:58 PM
To: 'mark kubiak'
Subject: RE: water adjudication
Attachments: Evidence-of-priority-pamphlet.pdf; 42-1409-1-CFPRBA-Irrigation-and-Other-Claim-Form.pdf; 42-1409-1-CFPRBA-Instructions.pdf

Good afternoon Mr. Kubiak,

While I understand that you and the other water users sharing your delivery system may be encountering issues with an upstream water user, we are unable to expedite the adjudication of water rights in that area. Through my search, I understand that you filed three water right claims for uses in Basin 96, nos. 96-9101, 96-9103, and 96-9577. As Luke explained, the water rights adjudication process takes some time, and it may be several years or more before your water right claims in Basin 96 are adjudicated. In the meantime, some cooperation and coordination between the water users may be necessary in times of shortage. If there is a use impacting your water supply that you believe to be unlawful, then a formal complaint can be made with our department to initiate a possible enforcement action.

IDWR's adjudication staff are beginning to review water right claims in Basin 96, and through that review, will be contacting claimants if additional information or supporting evidence is needed. The three claims noted above that you submitted have not yet been reviewed for recommendation, but I took a quick look at them to see if everything was in place for them to be recommended. In my review, I found that claim nos. 96-9101 and 96-9103 had been filed for water use on your property located at 25243 Highway 2. Those two claims were filed based on previously submitted statutory water right claims, and no additional evidence was included. Statutory water right claims differ from water right licenses, as they serve only as a record of the evidence submitted and are never proven up or investigated through field exam. The backfiles for the statutory claims your claims were based upon does not include any supporting evidence for the water uses and priority dates claimed. Before claim nos. 96-9101 and 96-9103 can be recommended, some additional evidence supporting the claimed uses and priority date will be needed. I've attached the evidence of priority pamphlet for reference.

Lastly, it appears that claim no. 96-9103 was filed on the incorrect claim form and insufficient filing fees were paid for the claimed water use (irrigation). The claim was submitted on form no. 42-1409-2, which is to be used for small domestic and/or stockwater uses not exceeding 13,000 gallons per day, and was submitted with the small domestic/stockwater filing fee of \$25.00. If it is your intention to claim irrigation use beyond the 1/2 acre included with a domestic water right, then an Amended Notice of Claim should be submitted using the correct claim form (42-1409-1), and the balance of required filing fees be paid (additional \$25.00 + \$1.00 per irrigated acre claimed). For your convenience, I have attached that form along with instructions which include the claim fee schedule. If your intent was to claim only domestic use, with the associated 1/2 acre of yard irrigation, then the claim should be amended to claim water for domestic purposes, and no additional filing fees are required.

If you have any questions, or would like assistance amending your claim(s), please feel free to contact our adjudication staff at the Northern Regional Office in Coeur d'Alene. They can be reached during business hours (8AM-5PM) at 208-762-2800.

Best Regards,

~ Evan

Evan Roda | Adjudication Section Manager Idaho Dept. of Water Resources evan.roda@idwr.idaho.gov
208-762-2815

-----Original Message-----

From: mark kubiak <51markskubiak@gmail.com>
Sent: Monday, September 15, 2025 10:31 AM
To: Roda, Evan <Evan.Roda@idwr.idaho.gov>
Subject: water adjudication

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Mr. Roda,

Luke Bates gave me your contact info in the likely hood that I would contact you with regards to the water right adjudication in the Panhandle. It is the desire of me and my fellow water users of the Carr crk. / Hornby crk. diversion to have our rights/claims adjudicated as soon as possible. Luke Bates informed me that it might be a couple of years yet to get our area adjudicated. As we are having issues with one of our upstream water users I am asking if you might be able to move our area to the top of the list?

I can be reached at 208 946-8066 if you need more clarification, or by email at 51markskubiak@gmail.com

Thanks for considering this request.

Mark Kubiak

Dover