

Roda, Evan

From: Roda, Evan
Sent: Thursday, October 23, 2025 11:33 AM
To: Michelle.Ramus@usdoj.gov
Subject: CFRBA Water Right Claim Nos. 97-4222, 97-4223, & 97-4224

Good afternoon Ms. Ramus,

I am in the process of reviewing and recommending the three water right claims you submitted on behalf of the U.S. Army Core of Engineers, specifically claim nos. 97-4222, 97-4223, and 97-4224. Through this review, I have encountered a few things that need further clarification before claim no. 97-4222 can be recommended, and some other factors effecting how the others can be recommended. I've addressed each of these by claim number below.

97-4222 – This claim was filed for the use of water from the Pend Oreille River for commercial, fire protection, and the irrigation of 2 acres. The claimed point of diversion (POD) and place of use (POU) are in the NENW of Section 29, Township 56N, Range 05W.

- Claimed POD/POU are in NENW of Sec. 29, but the use is described for “Albeni Cove Campground dump station, drink fountains, latrines, and fire hydrants”. However, Albeni Cove Campground and recreational area are located on the opposite side of the river in the SWNW of Section 29. The same usage description was included in claim no. 96-8382, which was filed for the use of groundwater at the campground based upon an existing water right license for that site.
- The claimed POD/POU locations are consistent with the location of the Albeni Falls Dam and visitor center. Another claim has been filed for the use of groundwater at that location for domestic purposes including the power house, maintenance building, office, and visitor center, based upon water right license no. 97-7272. When that license was applied for, it was noted on the application that the purpose of the proposed well was to “eliminate the use of surface water as much as possible for drinking, etc. at the project”. IDWR’s field examiner also noted right no. 97-7272 to be a replacement for the previous surface water system, and DEQ’s Source Water Assessment Report for that groundwater system (PWS ID1090025) did not note any comingling with surface water in that delivery system. In the remarks section (13) of claim no. 97-4222, it is noted that the commercial use claimed includes water for a residence, which is described in your correspondence/evidence to be the “resident engineers office or project engineer’s residence”. That building is shown near the Vista House in the 1952 photo you submitted as evidence, Albeni Falls #1302. However, my review of aerial photos found that the engineer’s residence appears to have been removed from the site.

Please confirm the nature and extent of water use(s) still taking place from the surface water source (Pend Oreille River) at the claimed location.

- The claim includes one POD location, but also describes the use of a 7½ HP pump for commercial purposes, and a 10 HP pump for irrigation.

Are there two PODs diverting water from the river, and if so, where are they located? Are those water delivery systems separate from each other or interconnected?

- Priority date is claimed as 1/1/1958. Earliest available evidence reflecting irrigation of the property is the provided photos dated September 10, 1968.

Unless additional evidence is received reflecting earlier irrigation of the claimed POU, the claim will be recommended with a priority date of 9/10/1968.

97-4223 – This claim was filed for the use of groundwater (well) for commercial and fire protection purposes with a claimed priority date of 1/1/1956.

- Claimed priority date of 1/1/1956 is not supported by available evidence. You stated in submitted correspondence (received 9/22/25) that "Site development in 1958 and 1959 resulted in a cased well, hydrants, fountain, water lines, pump house and chlorination tank.". The DEQ source water assessment report for this water system (PWS #1090026), written June 19, 2021, states that the well supplying this site was drilled in 1959. The "as-built" drawings of the completed developments on site, including the well and water distribution lines, reflect a date of November 27, 1959. **As the precise date in 1959 that the well was completed and first put to beneficial use is unknown, we are recommending the first known date of a completed water distribution system as priority - 11/27/1959.**
- The purposes of use claimed are commercial and fire protection. The water uses are described in the claim as "Priest River rec site trailer, dump station, drink fountain, latrine, and 9 fire hydrants". Other than the hydrants for fire protection, the other water uses described for the campground are more accurately categorized as domestic use rather than commercial. Because of this, **the claim will be recommended for domestic and fire protection purposes.** The water used for the public campground qualifies as a domestic use covered by I.C. § 42-111 (1)(a)(i), which includes a daily use limit of 13,000 gallons per day and ½ acre of irrigation. For reference, if diverted for 24 hours, the claimed/recommended diversion rate of 0.01 CFS would amount to 6,463 gallons.

97-4224 – This claim was filed for the use of water from Priest River for the irrigation of 5 acres with a claimed priority date of 1/1/1956.

- The originally filed statutory claim did not include any supporting evidence for the claimed priority date of 1/1/1956. Evidence submitted in support of the claim includes site development plans, but those plans make no mention of existing irrigation or a newly developed irrigation system. Those plans reflect only the development of a drilled well and water distribution system to hydrants, latrines, and drinking fountains. An aerial photo taken on 10/22/1958 appears to show active development of the site, but the (current) grassy fields appear to be unfinished and mostly dirt. The next available aerial photo taken of the site was taken on 7/30/1966, and the park appears to be largely completed with the grassy fields clearly visible. As that photo is the first available evidence indicating the presence of the (completed) grassy fields claimed for irrigation, the priority date for this claim will be recommended as 7/30/1966.

Unless additional evidence is received reflecting earlier irrigation of the claimed POU, the claim will be recommended with a priority date of 7/30/1966.

- Claim was filed for the irrigation of 5 acres with a claimed diversion rate of 0.133 CFS. Both the original statutory claim and the current claim describe the use of a 3HP 60 GPM pump delivering water to 15 sprinkler heads. A review of aerial photos and mapping of likely irrigated land resulted in a total of 4.8 AC. 0.03 CFS per acre for 4.8 AC equates to 0.144 CFS. Recommending claimed diversion rate of 0.13 CFS as it matches claimed pump capacity and is within the allowable department standards for the irrigation of less than 5 AC.

Claim will be recommended with diversion rate of 0.13 CFS for irrigation of 4.8 AC.

I understand the current government shutdown may impact the timing of your response. However, we are running short on time in the CFPRBA, with the submission of our Director's Report planned for this December, so a response to the questions regarding 97-4222 will be greatly appreciated as soon as you are available to do so. We have sufficient information to recommend claim nos. 97-4223 & 97-4224 as described above. Please review the provided information and let me know if you have any questions or concerns.

Respectfully,



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