

Roda, Evan

From: Ramus, Michelle (ENRD) <Michelle.Ramus@usdoj.gov>
Sent: Monday, December 1, 2025 2:05 PM
To: Roda, Evan
Cc: Widerschein, Mark (ENRD); Laubach, Katharine (ENRD)
Subject: RE: CFPRBA Water Right Claim Nos. 97-4222, 97-4223, & 97-4224
Attachments: NRS-#1821308-v1-Clark_Fork_Adj_Draft_2nd_letter_to_IDWR_re_evidence_97_4222_4223_4223 - to send.pdf

Follow Up Flag: Follow up
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Good evening, Mr. Roda –

Please find attached a letter responding to your email sent October 23, 2025.

Best Regards,

Michelle Ramus
Trial Attorney
Environmental & Natural Resources Division
Natural Resources Section

Email: Michelle.Ramus@usdoj.gov

Phone: (202) 598-6660

From: Ramus, Michelle (ENRD)
Sent: Wednesday, November 26, 2025 6:52 PM
To: 'Roda, Evan' <Evan.Roda@idwr.idaho.gov>
Cc: Widerschein, Mark (ENRD) <Mark.Widerschein@usdoj.gov>; Laubach, Katharine (ENRD) <Katharine.Laubach@usdoj.gov>
Subject: RE: CFPRBA Water Right Claim Nos. 97-4222, 97-4223, & 97-4224

Good evening, Mr. Roda -

I wanted to reach out and let you know that we will be getting you a substantive response early next week. I hope you enjoy the holiday weekend.

Best Regards,

Michelle Ramus
Trial Attorney
Environmental & Natural Resources Division

Natural Resources Section

Email: Michelle.Ramus@usdoj.gov

Phone: (202) 598-6660

From: Ramus, Michelle (ENRD)

Sent: Tuesday, October 28, 2025 10:54 AM

To: 'Roda, Evan' <Evan.Roda@idwr.idaho.gov>

Cc: Widerschein, Mark (ENRD) <Mark.Widerschein@usdoj.gov>; Laubach, Katharine (ENRD) <Katharine.Laubach@usdoj.gov>

Subject: RE: CFPRBA Water Right Claim Nos. 97-4222, 97-4223, & 97-4224

Understood. I'll work with my management to see what progress can be made during the shutdown. I'll be in touch.

Michelle Ramus

Trial Attorney

Environmental & Natural Resources Division

Natural Resources Section

Email: Michelle.Ramus@usdoj.gov

Phone: (202) 598-6660

From: Roda, Evan <Evan.Roda@idwr.idaho.gov>

Sent: Monday, October 27, 2025 5:15 PM

To: Ramus, Michelle (ENRD) <Michelle.Ramus@usdoj.gov>

Cc: Widerschein, Mark (ENRD) <Mark.Widerschein@usdoj.gov>; Laubach, Katharine (ENRD) <Katharine.Laubach@usdoj.gov>

Subject: [EXTERNAL] RE: CFPRBA Water Right Claim Nos. 97-4222, 97-4223, & 97-4224

Good afternoon Ms. Ramus,

Thank you for responding to my previous email. I understand that the current government furloughs are impacting you and other D.O.J. staff, and will also limit your ability to provide a timely response to my previous inquiry. Given the circumstances, it is understandable that your responses to my questions will be delayed. I am happy to allow additional response time, but the filing of our Director's Report for Basin 97 Part 2 cannot be delayed, and will proceed as planned this December. Please do your best to communicate your timeframe with me until then, and we will work with you as best we can to get these finished up on schedule. If we are unable to do so, after the submission of the Director's Report, there will be a 120-day objection period that will allow additional time for us to informally resolve any lingering issues.

Best Regards,

~ Evan



U.S. Department of Justice
Environment and Natural Resources Division
Natural Resources Section

Michelle Ramus
150 M St. NE
Washington, D.C. 20002

Telephone (202) 598-6660
Facsimile (202) 305-0506

December 1, 2025

Evan W. Roda
Adjudication Section Manager
State of Idaho
Department of Water Resources
7600 N. Mineral Drive, Suite 100
Coeur d'Alene, Idaho 83815

Re: Evidence of priority date for CFPRBA Claim Nos. 97-4222, 97-4223, and 97-4224

Dear Mr. Roda:

The U.S. Department of Defense, Army Corps of Engineers ("the Corps" or "the United States") received your October 23, 2025 email requesting additional clarifications relating to the priority date and other information for Claim Nos. 97-4222, 97-4223, and 97-4224 in the Clark Fork-Pend Oreille Basin Adjudication ("CFPRBA"). The United States now submits the below responses relating to Claim Nos. 97-4222, 97-4223, and 97-4224.

Claim No. 97-4222

The Corps wishes to clarify a discrepancy on the Notice of a Claim to a Water Right form it filed for Claim No. 97-4222 on March 12, 2025. The Point of Diversion ("POD") / Place of Use ("POU") is correctly listed as the NENW portion of Section 29, Township 56N, Range 05W. However, the nature and extent of water use is for the Albeni Fall Visitor's Center area, *not* for the Albeni Cove Recreation site. The Corps is amenable to submitting a corrected Notice of a Claim to a Water Right form should IDWR desire it to do so.

Your October 2025 email asks the Corps to "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 nature of the use that is still taking place at the claimed POD/POU is a single 10 HP pump (275 GPM) to irrigate two acres. The 7 ½ HP pump has been disconnected and is no longer in use. The 10 HP pump and the 7 ½ HP pump are separate systems and there is no interconnectivity between them. The other uses at this site are now associated with a ground

water well and the license under Claim No. 97-7272. The Corps' position therefore is that Claim No. 97-4222 should be for the 10 HP pump (275 GPM) system with a diversion rate of 0.607 CFS to irrigate 2 acres.

Finally, your October 2025 email states that "[u]nless additional evidence is received reflecting earlier irrigation of the claimed POU, the claim will be recommended with a priority date of 9/10/1968." The earliest photographic evidence that the Corps has been able to locate to demonstrate irrigation at this site remains 09/10/1968. The Corps has also been unable to find additional descriptions of the irrigation beyond the description and diagram of the existing picnic area in the 1964 Master Plan excerpts already submitted to IDWR.

Claim No. 97-4223

Your October 2025 email indicates that IDWR will be recommending as the priority date "the first known date of a completed water distribution system," which is "11/27/1959," as well as recommending that the right is for "domestic and fire purposes." The Corps does not presently have any additional evidence to submit for consideration and is currently amenable to IDWR's recommendations for Claim No. 97-4223.

Claim No. 97-4224

Your October 2025 email indicate that "[u]nless additional evidence is received reflecting earlier irrigation of the claimed POU, the claim will be recommended with a priority date of 7/30/1966." It further states that the "[c]laim will be recommended with [a] diversion rate of 0.13 CFS for irrigation of 4.8 AC." The Corps does not presently have any additional evidence to submit for consideration and is currently amenable to IDWR's recommendations for Claim No. 97-4224.

Best Regards,

/s/ Michelle Ramus

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Natural Resources Section
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Attorney for Defendants