

NOTICE OF FILING DIRECTOR'S REPORT OF LATE AND MISCELLANEOUS CLAIMS FOR WATER RIGHTS

Spring 2022

| | |
|---------------------------------------|--------------|
| DISTRICT COURT - CSRBA | |
| Fifth Judicial District | |
| County of Twin Falls - State of Idaho | |
| MAY 19 2022 | |
| By _____ | Clerk |
| | Deputy Clerk |

The Director of the Idaho Department of Water Resources (IDWR) has filed with the Coeur d'Alene-Spokane River Basin Adjudication (CSRBA) District Court a Director's Report of Late and Miscellaneous Claims for water rights in IDWR Basins 91, 93, 94, and 95. Director's Reports for these basins have previously been filed with the CSRBA Court. This filing is for claims that were not included in the original Director's Reports for these basins. The Director's Report of Late and Miscellaneous Claims contains the Director's recommendation to the CSRBA Court as to how your water right, claimed under state law, should be decreed in the CSRBA.

Why am I getting this mailing?

You have received this mailing because you filed one or more late or miscellaneous water right claims in the CSRBA. This mailing contains the Director's recommendation to the CSRBA Court of your claim(s). Your mailing does not contain the Director's recommendations of any claims other than your own. You may wish to review the Director's recommendations of other late or miscellaneous claims – if any – in your basin. To do this, you need to review a complete copy of the Director's Report of Late and Miscellaneous Claims.

A complete copy of the Director's Report of Late and Miscellaneous Claims is available at the CSRBA courthouse in Twin Falls and at the locations listed at the end of this notice. Copies of the report can be made, but you may be charged for copying and mailing. The report can also be accessed through the internet at the CSRBA Court's website at: www.csrba.idaho.gov. A map of reporting areas, as well as other information pertaining to the CSRBA, can be accessed on IDWR's website at: www.idwr.idaho.gov.

You may also need to review future Director's Reports. Claims in which you have an interest may be reported in them. You will not receive notice of these future reports as they are filed with the CSRBA Court unless you have water right claims that are being recommended at that time. Therefore, if you are interested in the status of water rights belonging to other people that have not yet been reported by IDWR, you should check periodically with the Court's docket sheet (see Note on page 3 of this notice for docket sheet information) or the CSRBA website at: www.csrba.idaho.gov for the filing of future reports.

INSTRUCTIONS FOR REVIEWING YOUR OWN WATER RIGHT

The description of your right, which is enclosed, is only the Director's *recommendation* to the CSRBA Court on your water right. The Court will decide how it will decree your water right. You are free to agree or disagree with the Director's recommendation. If you agree with the Director's recommendation, you do not need to do anything, pending further notice as described below. If you disagree with the Director's recommendation, you need to file an objection as described below.

INSTRUCTIONS FOR REVIEWING THE WATER RIGHTS OF OTHERS

The Director's Report of Late and Miscellaneous Claims contains recommendations to the CSRBA Court on your water right and other late or miscellaneous claims in Basins 91, 93, 94, and 95. The Director's recommendations in the report are listed in two sections of the report:

- 1) **List of Recommended Water Rights** – Water right recommendations are listed numerically by water right number.
- 2) **List of Claims Recommended to Be Disallowed** – Water rights recommended to be disallowed, if any, are listed numerically by water right number. A short statement of the reason for IDWR's recommendation for disallowance is provided.

If you want to review someone else's water right, you need to look at the complete report, which is available at the CSRBA courthouse in Twin Falls; at the CSRBA website at: www.csrba.idaho.gov; and at the locations listed below. Copies of the complete report can be made, but you may be charged for copying and mailing.

INSTRUCTIONS FOR TAKING A WATER RIGHT CLAIM TO COURT

What do I do if I disagree with a recommendation?

If you disagree with any element of the recommendation for your water right or anyone else's water right and want to be heard in court, file an objection with the CSRBA Court. Objections must be made on the standard objection form ("Standard Form 1") available from any IDWR office or from the CSRBA Court. You may also download a copy of Standard Form 1 from the CSRBA website at: www.csrba.idaho.gov.

Your objection must be **received** by the CSRBA Court on or before **Tuesday, July 19, 2022**. A copy of the objection must be mailed to the claimant of the water right and the Director of IDWR, the United States and the State of Idaho at the addresses provided on the Standard Form 1 form.

What do I do if someone else objects to my water right recommendation?

If someone files an objection to your water right, or the recommendation of any other late or miscellaneous claim, you may file a response to that objection. Responses to objections must be made on the standard response form ("Standard Form 2") available from any IDWR office or from the CSRBA Court. You may also download a copy of Standard Form 2 from the CSRBA website at: www.csrba.idaho.gov.

Your response must be **received** by the CSRBA Court on or before **Monday, September 19, 2022**. Copies of the response must be mailed to the objector to the water right, the claimant

(if different from the objector), and the Director of IDWR, the United States, and the State of Idaho at the addresses provided on the Standard Form 2 form.

What do I do if I want to participate in the court case on someone else's water right?

If you want to be involved in the court case on any late or miscellaneous water right claim now being reported, you must file either an objection or a response by the dates listed above.

What happens if there are no objections to a water right?

Should the deadline for filing objections and responses to your water right pass, with no objections or responses filed, the CSRBA Court will hear the uncontested recommendation on **Tuesday, October 19, 2022 at 1:30 p.m. (Pacific)**, at the CSRBA courthouse. Interested parties may attend the hearings at the CSRBA courthouse, via Zoom, or over the phone. See the "Remote Access Information" on the CSRBA court website for instructions to connect. The CSRBA Court will issue partial decrees following this hearing.

How will I know about the proceedings on water right recommendations to which objections were filed?

A notice will be mailed to you for court dates on your water right or for those where you filed an objection or a response. You will not receive notice of court dates on any other water right recommendations.

Additional information regarding water right claims can be found on the CSRBA website at: www.csrba.idaho.gov.

Note: The CSRBA Court publishes a monthly Docket Sheet listing all objections and responses filed, as well as when Director's Reports are filed. It does not list court dates for individual water right cases, but provides general information helpful to all participants in the CSRBA.

The Docket Sheet is available at your county courthouse and all IDWR offices, or you may subscribe by contacting the CSRBA Court or IDWR. The annual subscription fee is \$7.50. The Docket Sheet is also available on the CSRBA website at: www.csrba.idaho.gov.

The register of actions for each water right claim can be found on the CSRBA web site at: www.csrba.idaho.gov. The register of actions includes links for viewing and/or downloading the documents identified in the register of actions.

IMPORTANT INFORMATION REGARDING GENERAL PROVISIONS

General provisions are those parts of the CSRBA Court's decree that apply to all the water rights in a basin, or to classes of similarly situated water rights within a basin. IDWR recommends to the CSRBA Court the general provisions it believes should be decreed when it files with the Court its initial Director's Report for the each basin. At that time, any party may object to the general provisions recommended for that basin. You may obtain a copy of the general provisions for your basin from the CSRBA District Court in Twin Falls or at the courthouse location nearest to your basin. You may be charged for copying and mailing.

The Director included the general provision recommendations for Basins 91, 93, 94, and 95 - recommending no general provisions for either basin - when each respective Director's Report was filed with the Court. As the Director's Report for Basins 91, 93, 94, and 95 were filed on February 24, 2015, March 27, 2014, February 25, 2016, and August 2, 2018, respectively, the time for filing objections to those general provisions has expired. Timely objections were filed to the Basins 91, 93, 94, and 95 general provisions and proceedings were conducted under subcase numbers 91-00001GP for Basin 91, 93-00001GP for Basin 93, 94-00001GP for Basin 94, and 95-00001GP for Basin 95. On April 1, 2020, an *Order of Partial Decree for General Provision in Basin 91*, *Order for Partial Decree for General Provision in Basin 93*, *Order of Partial Decree for General Provision in Basin 94*, and *Order of Partial Decree for General Provision in Basin 95* were issued by the CSRBA Court. Since the objection periods for Basins 91, 93, 94, and 95 are closed, and because Partial Decrees have been issued, should you desire to participate in these proceedings, permission to do so can only be granted by the CSRBA Court.

It is possible that in the future the CSRBA Court will entertain recommendations for additional general provisions for Basins 91, 93, 94, and/or 95. Should that occur, an opportunity to object to those additional general provisions will be provided. It is your responsibility to monitor the CSRBA case through the Docket Sheet discussed above or through the CSRBA website at: www.csrba.idaho.gov.

CHANGES OF ADDRESS OR OWNERSHIP DURING THE CSRBA COURT CASE

You must contact your regional IDWR office with your address change or if the ownership of your water right changes. Failure to notify IDWR may result in the loss of your water rights.

ADDITIONAL INFORMATION

If you have questions about the CSRBA, public information brochures are available at any IDWR office. Maps and aerial photography of this reporting area, as well as assistance in using the maps and the photography, are available at the IDWR regional office nearest to the location of your water right. You are welcome to call IDWR at any of its offices, IDWR's adjudication hotline at 1-800-451-4129 or the CSRBA Court. You may also want to consider contacting an attorney to assist you.

**Coeur d'Alene-Spokane River Basin
Adjudication District Court**
253 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707
(208) 736-3011
www.csrba.idaho.gov

**Idaho Department of Water Resources
Northern Region**
7600 North Mineral Drive, Suite 100
Coeur d'Alene, Idaho 83815
(208) 762-2800

Shoshone County Courthouse
700 Bank Street
Wallace, Idaho 83873-0527

Benewah County Courthouse
701 College Avenue, Suite 203
St. Maries, Idaho 83861

Kootenai County Courthouse
324 West Garden Avenue
Coeur d'Alene, Idaho 83816-9000

Bonner County Courthouse
215 South 1st Avenue
Sandpoint, Idaho 83864

Clearwater County Courthouse
150 Michigan Avenue
Orofino, Idaho 83544

Latah County Courthouse
522 South Adams Street
Moscow, ID 83843

Idaho Department of Water Resources
322 East Front Street
P.O. Box 83720
Boise, Idaho 83720-0098
(208) 287-4800
(800) 451-4129
www.idwr.idaho.gov

**Idaho Department of Water Resources
Western Region**
2735 Airport Way
Boise, Idaho 83705-5082
(208) 334-2190

**Idaho Department of Water Resources
Southern Region**
650 Addison Avenue West, Suite 500
Twin Falls, Idaho 83301-5858
(208) 736-3033

**Idaho Department of Water Resources
Eastern Region**
900 North Skyline, Suite A
Idaho Falls, Idaho 83402-1718
(208) 525-7161

**Idaho Department of Water Resources
Salmon Field Office**
102 South Warpath
Salmon, Idaho 83467-4435
(208) 742-0658

DEFINITIONS OF THE ELEMENTS OF YOUR WATER RIGHT

RIGHT NUMBER: Your water right is identified by a number assigned by IDWR. The first two digits identify IDWR's administrative basin number; for example, 91, 92, 93, 94 or 95.

NAME AND ADDRESS: Your name and address should appear here. IDWR will use the most recent name and address in its records for the water right.

SOURCE: The name and/or type of the source where you divert your water. For example: "*ground water*," "*unnamed spring*," or "*Common Creek*."

QUANTITY: The amount of water recommended in either cubic feet per second (cfs) and/or the volume of water in acre feet per year (AFY).

PRIORITY DATE: The date used to determine the priority of your right in relation to other rights using water from the same source.

POINT OF DIVERSION: The legal location where you divert water from its source; generally described as quarter quarter sections down to a 40-acre tract, or smaller. Other legal descriptions that might be used are government lots, block, subdivision, parcel numbers, townsite names, mining claim information, homestead entry surveys, or other survey information.

PURPOSE OF USE: The general category of the type of use you can make of your water. Typical purposes of use include irrigation, domestic, or stock watering.

PERIOD OF USE: The period of time during the year when you can use the water for your right.

PLACE OF USE: The legal location where you use your water right; generally described as quarter quarter sections down to a 40-acre tract. Other legal descriptions that might be used are government lots, block, subdivision, parcel numbers, townsite names, mining claim information, homestead entry surveys, or other survey information.

BASIS OF CLAIM: The method that was used to establish your claim. Examples include prior decree, posted notice, beneficial use (historical) method, license, or permit.

IDWR does not investigate or make recommendations regarding claims based in federal law.