

DISTRICT COURT - CSRBA
Fifth Judicial District
County of Twin Falls - State of Idaho
FEB 26 2019
By _____
Clerk
Deputy Clerk

**NOTICE OF FILING DIRECTOR'S REPORT
FOR BASIN 95, PART 2, WATER RIGHTS**

The Director of the Idaho Department of Water Resources (IDWR) has filed with the Coeur d'Alene-Spokane River Basin Adjudication (CSRBA) District Court the Director's Report for Basin 95, Part 2, Water Rights (Director's Report). A map of the area covered by the Director's Report is attached to this Notice. The Director's Report contains the Director's recommendation to the CSRBA Court as to how each of your claimed water rights should be decreed in the CSRBA. The Director's Report also includes General Provisions for Basin 95, Part 2, which may apply to your water right.

Why am I getting this mailing?

You have received this mailing because you filed one or more claims in the CSRBA. This mailing contains the Director's recommendations to the CSRBA Court of your claims. IDWR is providing individual reports like this one to all claimants of water rights in the Basin 95, Part 2, area. Your mailing **does not** contain the Director's recommendations of any claims other than your own. Should you wish to review the Director's recommendations of other claims in Basin 95, Part 2, you may do so. Instructions are found below for reviewing the water rights of others.

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 complete Director's Report for Basin 95, Part 2, Water Rights contains recommendations to the CSRBA Court of your water right and other rights in your area claimed under state law. 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 are listed numerically by water right number. A short statement of the reason for IDWR's recommendation for disallowance is provided.

IDWR will recommend for disallowance those water rights that may have existed at one time but are currently unclaimed in the CSRBA for Basin 95 in a separate, subsequent Director's Report. In other words, if the right was not claimed in either Part 1 or Part 2 of Basin 95, the recommendation for disallowance is forthcoming in another Director's Report.

If you want to review someone else's water right, you need to look at the complete Director's Report which is available at the CSRBA courthouse in Twin Falls and at the locations listed at the end of this notice. Copies of the complete report can be made, but you may be charged for copying and mailing. Maps of the reporting area, as well as other information pertaining to the CSRBA can be accessed on the internet (see enclosed "Water Right Research Using IDWR Internet Tools").

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 web-site at: www.csrba.idaho.gov.

Your objection must be **received** by the CSRBA Court on or before **Monday, July 15, 2019**. A copy of the objection must be mailed to the claimant of the water right and the Director of IDWR.

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

If someone files an objection to your water right, or anyone else's water right, 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 web-site at: www.csrba.idaho.gov.

Your response must be **received** by the CSRBA Court on or before **Friday, August 30, 2019**. A copy 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.

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 water right in the Director's Report, 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?

After the deadline for filing objections and responses, IDWR will file a list of all water right recommendations with no objections. The CSRBA Court will hear the uncontested recommendations on **Tuesday, October 15, 2019 at 1:30 p.m. (Pacific)** at the CSRBA courthouse. Partial decrees will be issued 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 Court's web-site 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 web-site at: www.csrba.idaho.gov.

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

What if a water right is not in this report? What if a water right claim is filed late? How do I get notice of IDWR's recommendation for a late claim?

A water right for Basin 95, Part 2, may not be included in this Director's Report if it was not filed in time for IDWR to investigate and report. These water rights will be reported at a later time in a Director's Report for Late Claims. This report may include recommendations for Basin 95, Part 2, as well as recommendations for other reported CSRBA basins. This report is usually issued once per year. It is the responsibility of all parties to check this report carefully for water rights to which they want to object. No special notice will be sent to you unless you have an ownership interest in a water right being reported. Therefore, if you are interested in the status of water rights belonging to other people that have not yet been recommended by IDWR, you should periodically check the CSRBA Court's docket sheet or the Court's web-site located at www.csrba.idaho.gov.

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 in a basin when it files with the Court its Director's Report for the basin.

A copy of the general provisions recommended for Basin 95, Part 2, is also enclosed. The general provisions may also be viewed at the CSRBA District Court in Twin Falls or at the courthouses and IDWR locations listed below. You may also view the general provisions for Basin 95 by going to IDWR's web-site at: <http://www.idwr.idaho.gov>.

Like water right recommendations, if you disagree with the recommendation for general provisions and want to be heard in court, you can file an objection with the CSRBA Court. The deadlines in place for water right recommendations also apply to general provisions: objections are due **Monday, July 15, 2019**; responses are due **Friday, August 30, 2019**. Objection and response forms are available from any IDWR office or from the CSRBA Court. You may also download copies of these standard forms from the CSRBA web-site at: www.csrba.idaho.gov.

It is possible that in the future the CSRBA Court will entertain recommendations for additional general provisions for Basin 95, Part 2. 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.

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 also welcome to call IDWR at any of its offices 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
PO Box 2707
Twin Falls, Idaho 83303-2707
(208) 736-3011
<http://www.csrba.idaho.gov>

Idaho Department of Water Resources
322 East Front Street
PO Box 83720
Boise, Idaho 83720-0098
(208) 287-4800
(800) 451-4129
<http://www.idwr.idaho.gov>

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

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

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
Southern Region
650 Addison Ave. W., Suite 500
Twin Falls, Idaho 83301-5858
(208) 736-3033

Kootenai County Courthouse
451 Government Way
Coeur d'Alene, Idaho 83814

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

Idaho Department of Water Resources
Salmon Field Office
102 S. Warpath
Salmon, ID 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 1/4 1/4 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 1/4 1/4 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 federal law based claims.