

IMPORTANT WATER RIGHTS INFORMATION

YOUR FILING DEADLINE IS: August 30, 2019

FAILURE TO FILE A REQUIRED NOTICE OF CLAIM WILL RESULT IN A DETERMINATION BY THE COURT THAT THE WATER RIGHT NO LONGER EXISTS.

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

In Re: The General Adjudication of)	Civil No. 59576
Rights to the Use of Water from the)	
Palouse River Basin Water System.)	COMMENCEMENT
)	NOTICE
)	
)	Property Owners within Benewah, Latah and
)	Nez Perce Counties within IDWR's
)	Administrative Basin 87

**TO: ALL PERSONS OWNING RIGHTS TO THE USE OF WATER WITHIN THE
PALOUSE RIVER BASIN WATER SYSTEM**

YOU ARE HEREBY NOTIFIED THAT:

On March 1, 2017, the Fifth Judicial District Court in and for the County of Twin Falls issued an order commencing a general adjudication of water rights within the Palouse River Basin water system in Idaho. A general adjudication is a court case which will result in a decree determining all water rights within a water system. The purpose of the adjudication is to obtain an inventory of water rights to assure proper delivery of water in times of shortage and to provide certainty to property owners. The purpose of this notice is to inform you of the commencement of the adjudication and your legal responsibilities at this stage of the adjudication.

GENERAL REQUIREMENT TO FILE A NOTICE OF CLAIM

Idaho Code § 42-1409 requires that a Notice of Claim be filed for all water rights within the boundaries of the Palouse River Basin water system in the State of Idaho, except for certain water rights specifically excluded by law. "All water rights within the boundaries of the Palouse River Basin water system in the State of Idaho" includes rights to the use of water from any water source, including streams, any springs, lakes, ground water, developed water, waste water, or any other source. A map showing the boundaries of the water system is included at the end of this notice. The Notice of Claim must be filed with the Idaho Department of Water Resources (IDWR).

A Notice of Claim must be filed for all water rights based upon state law by the deadline above, except for *de minimis* domestic and stockwater claims as described below. Water rights based upon state law include historic use rights (established by the diversion and application of water to a beneficial use), decreed rights, licensed rights, or water right permits if proof of beneficial use was filed on or before March 1, 2017.

DE MINIMIS (SMALL) DOMESTIC AND STOCKWATER CLAIMS

Water users of a small domestic and/or stockwater (D&S) right, as defined by Idaho Code §§ 42-111 & 42-1401A, may elect to file a Notice of Claim now or defer (postpone) the filing until a later time in this proceeding. The fee for filing a Notice of Claim with IDWR for a small D&S water right at this time is \$25. IDWR recommends filing a claim for a small D&S water right now and not deferring.

The owner of a small D&S water right who elects to defer the filing of a Notice of Claim until a later time will be required to have the water right adjudicated prior to the water right being distributed by a watermaster and/or before an application for change of the water right may be filed with IDWR (transfer). Water right holders who file a motion with the Palouse River Basin Adjudication (PRBA) District Court at a later date to have the water right adjudicated may be required to pay their own cost of serving notice of the motion, advertising, and all costs incurred by IDWR for investigation and preparation of a report to be filed with the court, all of which will exceed the \$25 filing fee.

A claimant of a small D&S water right will be bound by the terms of any decrees entered in this adjudication (including the limitation on D&S water rights that may be adjudicated at a later date) regardless of whether or not the claimant files a notice of claim for the small D&S water right at this time. Claimants should be certain their water use qualifies for the deferral procedure for small D&S claims before deciding not to file a notice of claim at this time.

EXCEPTIONS TO GENERAL REQUIREMENT TO FILE NOTICE OF CLAIM

A Notice of Claim is not required to be filed for water right permits for which proof of beneficial use was filed after March 1, 2017. The director of IDWR may, at a later date, require holders of such permits to file a Notice of Claim. If the director does issue such an order, the permit holder will be notified by mail. A Notice of Claim is not required for a water right that is still in the application for permit stage.

A water user need not file a Notice of Claim where the water user is not the owner of the water right. A Notice of Claim is not required for any person who receives water solely by virtue of ownership of shares of stock in, or by being located within the boundary of a water delivery organization, if the water delivery organization holds legal title to the water right and if the water delivery organization files a Notice of Claim. Examples of water delivery organizations include, but are not limited to, cities, water utility districts or companies, and irrigation districts.

FEES AND DEADLINES FOR FILING A NOTICE OF CLAIM

Idaho Code § 42-1414 requires each person who files a Notice of Claim to pay a filing fee. Failure to pay the fee will result in the rejection of the Notice of Claim.

The persons receiving this Notice have property within Benewah, Latah and Nez Perce Counties and within IDWR's Administrative Basin 87. The deadline for filing a Notice of Claim for water rights in your area is **August 30, 2019**. A Notice of Claim filed after this date may be accepted prior to the filing of the director's report with the court, but Idaho Code § 42-1414 specifies that failure to file a Notice of Claim by the established deadline may result in the assessment of a late fee of \$50.00 or 15% of the original filing fee, whichever is greater. Idaho Code § 42-1409A imposes substantial restrictions on the filing of amended or late Notices of Claim.

For all water rights based upon *federal* law, a Notice of Claim or negotiated agreement must be filed by December 31, 2019. This later deadline applies primarily to federal agencies and tribes.

NOTICE OF CLAIM FORMS AND INSTRUCTIONS

A Notice of Claim must be filed on forms provided by IDWR or online at www.idwr.idaho.gov. When filing at an IDWR regional office, please bring a description of the property with Township, Range, Section, and Quarter-Quarters, or the county parcel number. Subdivision lot and block numbers are not sufficient. Claimants should always call the nearest regional office to make an appointment if help is needed in filling out a Notice of Claim. The Notice of Claim forms and instructions for completing and filing the forms are available online at www.idwr.idaho.gov or at the following locations:

1. IDWR, Northern Region, 7600 Mineral Dr, Suite 100, Coeur d'Alene, ID 83815
Phone: (208) 762-2800;
2. IDWR, Western Region, 2735 Airport Way, Boise, ID, 83705-5082
Phone: (208) 334-2190;
3. IDWR, Southern Region, 650 Addison Ave W, Suite 500, Twin Falls, ID 83301-5858
Phone: (208) 736-3033;
4. IDWR, Eastern Region, 900 N Skyline Dr, Suite A, Idaho Falls, ID 83402-1718
Phone: (208) 525-7161;
5. IDWR, State Office, 322 E Front St, 6th floor, Boise, ID 83720-0098
Phone: (208) 287-4800 or (800) 451-4129;
6. IDWR, Salmon Field Office, 102 S Warpath, Salmon, ID 83467-4435
Phone: (208) 742-0658.

NOTICE TO IDWR OF CHANGE IN OWNERSHIP OR ADDRESS

Idaho Code § 42-1409 requires all purchasers of a water right to inquire with IDWR whether a Notice of Claim has been filed. If a Notice of Claim has not been filed, the purchaser must file any required Notice of Claim, as described above. If a Notice of Claim has been filed, the purchaser must file with IDWR a written notice of the change in ownership along with sufficient evidence of ownership. "Purchaser" includes any person acquiring a water right from another water user, whether it is acquired by purchase, gift, inheritance, or any other means. Idaho Code § 42-1409 also requires all persons who have filed a Notice of Claim to file a written notice of any change in address with IDWR.

FURTHER INFORMATION

The files of the PRBA District Court will contain affidavits and other documents listing the persons served with copies of this notice.

If you want information regarding Notice of Claims filed with IDWR in this adjudication, you may inquire at any IDWR office or online at www.idwr.idaho.gov. If you want information on other documents filed with the court in this adjudication, you may obtain a copy of the docket sheet from the PRBA District Court on their website or at 253 3rd Avenue North, P.O. Box 2707, Twin Falls, Idaho 83303-2707. The docket sheet will be prepared each month, and will contain a summary of all documents filed with the court in the previous month, and the dates and locations of hearings set for the following three months. You can get a copy of a docket sheet for the cost of mailing and/or copying, or you can get a subscription to receive the docket sheet each month. The docket sheet will also be filed with the district court clerk for every county within the boundaries of the Palouse River Basin water system in Idaho.

Gary Spackman, Director, Idaho Department of Water Resources

Northern Idaho Adjudication

Palouse River Basin Water System

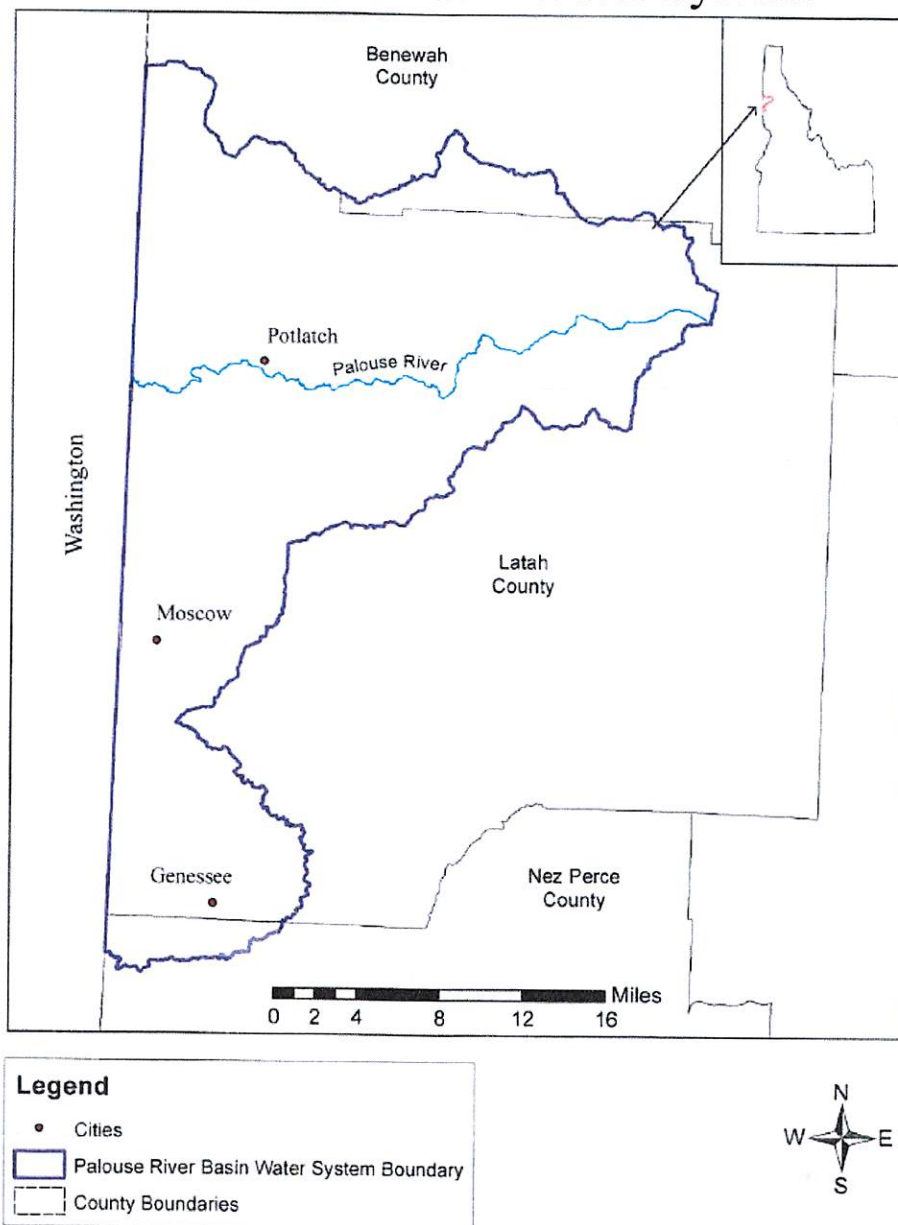


Exhibit 1

PLEASE REMEMBER FAILURE TO FILE A REQUIRED NOTICE OF CLAIM TO YOUR EXISTING WATER RIGHT WILL RESULT IN A DETERMINATION BY THE COURT THAT THE WATER RIGHT NO LONGER EXISTS. IF YOU HAVE ANY QUESTIONS, PLEASE CALL TOLL-FREE 1-800-451-4129, OR CALL ANY IDWR REGIONAL OFFICE LISTED IN THIS NOTICE, OR CONSULT YOUR ATTORNEY.

FREQUENTLY ASKED QUESTIONS

NORTHERN IDAHO ADJUDICATIONS – GENERAL

1. **Why did I get a Commencement Notice?** Idaho law requires the IDWR Director to serve notice by mail on each person or entity owning real property within the boundaries of the water system being adjudicated. If you own multiple properties within the boundary, you might receive more than one Commencement Notice.
2. **If I receive my water from a city system or water district, do I need to file a claim?** If you are supplied water by a city, water district, or other water delivery organization, that entity should take care of filing for your use. You can verify that your water delivery organization has filed a claim by using the Water Right & Adjudication Search at www.idwr.idaho.gov or by contacting your water delivery organization.
3. **What is a water right adjudication?** An adjudication is a court proceeding that inventories and catalogs water rights at a snapshot in time. The court issues a decree confirming the elements of each water right. In this case, the Idaho Supreme Court designated an Idaho district court to conduct the adjudication aided and advised by IDWR.
4. **Why are the Palouse River Basin and the Coeur d'Alene–Spokane River Basin being adjudicated?** The Palouse River Basin and Coeur d'Alene–Spokane River Basin, including significant underlying aquifers, are resources that are shared with the State of Washington. Both states desire to reach agreement on how the waters of these resources are used without resorting to litigation. To best protect water users in Idaho, Idaho's water managers must know the extent of the valid water rights in Idaho. An adjudication is the only way to determine this.
5. **If I receive my water from a city system or water district, is my water bill going to increase because of the adjudication?** There is a one-time fee associated with filing an adjudication claim(s). However, the amount of those fees should not result in the need for water providers to increase bills for their customers.
6. **If I have undeveloped property and water has never been used on it, do I need to file a claim?** No. An adjudication is a court action for the determination of existing water rights. When you want to begin using the water, contact the Idaho Department of Water Resources to file an application for permit.
7. **How will the adjudication be paid for?** A combination of water right claim filing fees and Idaho General Tax Fund appropriations will pay for the adjudication. Current estimates place the ratio at about 1/10 fees and 9/10 general fund dollars.
8. **Is the Idaho Department of Water Resources (IDWR) going to require meters on private wells as part of an adjudication?** No. IDWR does not have the need nor the personnel to require metering of private wells.
9. **Will there be an annual tax on private wells?** The Idaho Legislature would need to pass new legislation in order to impose a tax on private wells.
10. **Can I complete the claim form myself?** Yes, most claimants complete the claim forms without requiring additional assistance. The online claim filing procedure walks you through the process, and everything you need to know to get started can be found here: <https://idwr.idaho.gov/onlineclaimstaking/>

Or, if you prefer to submit a paper form, links to downloadable claim forms and instructions can be found here: <https://idwr.idaho.gov/water-rights/adjudication/forms.html>
11. **What happens if I don't file a claim?** If you have a water use for which an adjudication claim is required, generally failure to file that claim will result in a determination that the water right no longer exists. However, as stated on page 2 of the Commencement Notice, water users with small domestic and/or stockwater rights as defined by Idaho Code §§ 42-111 & 42-1401A may defer the filing until a later time in this proceeding. These are known as “deferrable rights” and do not need to be claimed during the duration of the PRBA.

If you still have questions in need of answers, please contact the Idaho Department of Water Resources. The phone number for the toll-free Adjudication Hotline that connects you to the State Office in Boise is 1-800-451-4129, and the phone number for the Northern Region office in Coeur d'Alene is (208) 762-2800. Also, additional information can be found at www.idwr.idaho.gov or you may consult your attorney.

Filing Assistance:

IDWR will open a temporary office at the Latah County Fairgrounds & Events Center in Moscow, Idaho to assist the public with filing Palouse River Basin Adjudication (PRBA) claims:

Temporary Office Location & Hours:

Date	Office Hours	Location	Helpful materials you could bring
May 14, 15, & 16	8:00 AM – 6:30 PM	Latah Co Fairgrounds & Events Center 1021 Harold St. Moscow, ID 83843	<ul style="list-style-type: none">• Tax Notice/Parcel information• Water Right Records• Facts related to the development of water use on your property.
June 11, 12, & 13	8:00 AM – 6:30 PM		

IDWR Staff will be available to provide assistance with claims filing on first come, first served basis from 8:00 AM until 5:30 PM on the days the Temporary Office is open. Filing complex claims or multiple claims may take more time and require follow-up through additional appointments or by telephone, e-mail, or written communication.

Payment: Payment of the claim filing fees is not required to meet with staff and prepare your claim. You will be able to generate your claim and pay later by mail.

Credit Cards are not accepted at the Temporary Office Location unless you are submitting and paying for your claim online. Payment made at the Temporary Office Location must be made by cash or check. IDWR will not have the ability to make change so cash payment must be exact.

Contact Information:

Adjudication Hotline: (800) 451-4129
Northern Region Office: (208) 762-2800
State Office Mainline: (208) 287-4800

Filing Online:

Claimants have the opportunity to file their claims online at www.idwr.idaho.gov. To take full advantage of the mapping functions when filing online, Adobe Flash content must be enabled in your browser. Please note that Adobe Flash Player and full mapping functionality is not required to file your claim online.

Latah County Only: IDWR does not have access to Latah County parcel information at this time for use in the mapping portion of IDWR's online claim filing application. In order to assist in locating your Latah County property, you will need to have the Township, Range, and Section information available.