INSTRUCTIONS FOR FILING NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW FOR DOMESTIC AND/OR STOCKWATER PURPOSES WHERE DAILY USE IS LESS THAN 13,000 GALLONS PER DAY

IN THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM

PLEASE TYPE OR PRINT CLEARLY

WATER RIGHT

A water right allows the private use of Idaho's public water. When properly recorded, a water right gives you the right to divert a specific amount of water from its source for a beneficial purpose. (There are many beneficial uses of water recognized by Idaho law; however, only domestic and/or stockwater uses may be claimed on this form.)

CLAIMANT

A claimant is any person or organization that diverts water for beneficial use from a location within the adjudication boundaries of the Coeur d'Alene-Spokane River Basin. This includes streams, springs, lakes, ground water, developed water, wastewater, or any other source of water within the boundaries of the Coeur d'Alene-Spokane River Basin in Idaho.

DAILY USE IS LIMITED TO 13,000 GALLONS PER DAY OR LESS

This claim form is to be used by claimants of domestic and/or stockwater uses where the daily use is less than 13,000 gallons per day. Generally, this includes the water used by a single family residence with up to 1/2 acre of lawn and/or garden irrigation, or the water used by up to: 370 head of dairy cows, 1000 head of other cattle and/or horses and mules, 3250 head of hogs, or 6500 head of sheep and/or goats. Any combination of stockwater and single family or multiple-family use with single-ownership that does not exceed 13,000 gallons per day may also use this claim form.

PERMIT REQUIREMENTS

The permit system for establishing a water right became mandatory for water use developed from ground water after March 25, 1963 (except for single family domestic or stockwater uses that do not exceed 13,000 gallons per day) and for uses developed from surface water after May 20, 1971 (except for watering stock directly from streams). If your water use began after March 25, 1963 for ground water or after May 20, 1971 for surface water, and it is not one of the exceptions noted above, and a water right was not perfected under the permit system, an "Application for Permit" form should be filed instead of this claim. If the system is for domestic use for more than one household, and the houses are not under single ownership, you have the following options: Each

owner may file a separate claim for their own water right on Form No. 42-1409-2. Or one water right may be claimed that shows all of the uses on Form No. 42-1409-1. If you want to claim a water right for watering stock directly from a stream, or if your claim includes a storage amount, such as a stock pond, you must file a claim on Form No. 42-1409-1.

COMPLETE THE CLAIM FORM

Please complete all applicable items on the claim form. A claim that is incomplete will not be accepted and will be returned to you for the missing information.

CLAIMANT'S NAME ON EACH PAGE

A space is provided at the bottom of the second page of the claim form for the last name of the claimant. If the claimant is an organization, the organization name is entered in this space. Please be sure the name is entered on each page of the claim form, and on any additional attached sheets. This will prevent part of the claim form from being lost if it becomes separated during processing. Do not enter an Identification Number. If more space is required for any item, enter the information in Remarks (Item 13) or attach additional sheets. Be sure to identify all of the attachments to the claim form in Remarks (Item 13).

THIS CLAIM IS FOR YOUR WATER RIGHT

The claim you submit is your statement of what you believe is your water right. The instructions are supplied to help you detail your water right.

NAME AND ADDRESS

Item 1: Enter full name, mailing address and telephone number of the claimant(s). If more space is required for additional names, addresses, and telephone numbers, write these on another sheet of paper and attach it to the claim form. If the names on the claim have an "and" between them, all of the named parties must sign the claim. If the names on the claim have an "or" or an "and/or" between them, all of the named parties may sign the claim, but only one of the named parties must sign the claim. If the claimant is in the process of selling the property on which this water right is claimed, enter the new owner's name and address in Remarks (Item 13).

DATE OF PRIORITY

Item 2: Enter the priority date by month, day, and year. Spell out the month. If the basis of your claim is a decree, permit, or license the priority date is the date shown on the decree, permit, or license. If the basis of your claim is beneficial use, enter the date the water was first applied to that use. If the exact date is not known, indicate your best estimate of that date since this is an important part of the claim to a water right. If the basis of your claim is a posted notice, the priority date is the date of posting, if the right was diligently developed after the posting of the notice, and has been used continuously. Include with your claim, a copy of the posted notice from the county recorder's office where the posted notice is recorded. ONLY ONE PRIORITY DATE CAN BE SHOWN ON A CLAIM. Water rights with different priority dates must be filed on separate claim forms because each is a separate water right.

SOURCE OF WATER SUPPLY

Item 3: If your source of water is a well, place a “check” in the space to the left of "Ground Water" and go to Item 4. If your source of water is not ground water, place a “check” in the space next to "Other", and enter the name of the stream, lake, drain ditch, or spring you use as your source of water on line (a). Use the name shown on the U.S. Geological Survey quadrangle map. If unnamed, enter as, unnamed stream, unnamed lake, or unnamed drain. If the source is a spring without a name, enter "spring" for the source. Enter the first named stream or lake downstream to which the source is a tributary to on line (b). If the source sinks before entering another stream or lake, enter "sinks" for tributary to. Only one source is allowed per claim, except when more than one source is being used for a single delivery system.

Examples of water sources and tributaries:

Source of water supply (a) **Cougar Creek**
which is tributary to (b) **Coeur d’Alene Lake**

Source of water supply (a) **spring**
which is tributary to (b) **sinks**

LOCATION OF POINT OF DIVERSION

Item 4: The point of diversion is the location at which the water is diverted from a natural water source (this includes drain ditches and wells). Enter the township, range and section in which the point of diversion is located. Also, describe the location of the point of diversion to the 40-acre tract (quarter-quarter section) or government lot within a section. Enter the county in which the point of diversion is located in the appropriate space. List the Parcel Number or Parcel Identification Number (PIN) as assigned by the county assessor for the parcel where the water is diverted unless no Parcel Number or PIN is recorded for the property at the point of diversion. You may also enter GPS coordinates for the point of diversion if they are available. Only one point of diversion may be entered per claim unless the claim is for a single delivery system with more than one point of diversion, or the claim is for a single licensed or decreed water right that covers more than one water delivery system. If your system has more than one point of diversion, enter the additional point(s) of diversion in the appropriate space. If the point of diversion is in a platted subdivision, and the plat has been recorded in the county recorder's office for the county in which the subdivision is located, include the name of the subdivision, the lot, and the block number in Remarks (Item 13).

Examples describing the point of diversion:

Location of point of diversion is:

Township **51N** , Range **3W** , Section **12** , **SE** ¼ of **SW** ¼, or Govt. Lot __ B.M., County of **Kootenai**

Location of point of diversion is:

Township **49N** , Range **6W** , Section **36** , ___ ¼ of ___ ¼, or Govt. Lot **3** , B.M., County of **Kootenai**

DESCRIPTION OF DIVERSION WORKS

Item 5: Describe as completely as possible the means used to divert the water. Include the major components of the water delivery system such as wells, pumps, pipelines, headgates, ditches, collection boxes, troughs, or any other feature that is essential to your diversion system. Include the dimensions of the components as originally constructed, and if the system has been altered or enlarged since it was originally constructed, include the new dimensions. If changes or enlargements have occurred, describe the changes or enlargements and indicate the date(s) that the changes were made.

PURPOSE AND USE

Item 6: The purpose(s) for which the water is being used is limited to domestic and/or stockwater for claims filed on this claim form. Enter the day of the year the use begins and the day of the year the use ends each year. If the water is used all year, the dates would be from January 1 to December 31. The amount of water should be entered in cubic feet per second (cfs). For a reference, 0.02 cfs is approximately equal to 9 gallons per minute. Most water rights have the following amounts: Domestic use, 0.04 cfs for one household with up to 1/2 acre of lawn or garden irrigation (one household with in-house use only may be less). Stockwater use, see TABLE 1. Some systems may be capable of producing more water than the amounts shown for the preceding uses. You may claim the amount of water (in cfs) that your system actually produces provided the water is put to beneficial use.

Example of purposes, dates, and amounts of water use:

				Month/Day		Month/Day		(cfs)
For	**Domestic**	purposes	from	**1-1**	to	**12-31**	amount	**0.04**
For	**Stockwater**	purposes	from	**1-1**	to	**12-31**	amount	**0.02**

(both dates are inclusive)

TABLE 1. RECOMMENDED DIVERSION RATES FOR STOCKWATER

In cubic feet per second (cfs).

No. of head	Dairy cows	Other cattle, horses & mules	Hogs	Sheep & goats
0 - 25	0.02	0.02	0.02	0.02
26 - 50	0.04	0.02	0.02	0.02
51 - 100	0.07	0.03	0.02	0.02
101 - 200	0.13	0.05	0.02	0.02
201 - 300	0.20	0.07	0.02	0.02
301 - 400	0.24 *	0.09	0.03	0.02
401 - 500		0.12	0.04	0.02
501 - 600		0.14	0.05	0.03
601 - 700		0.16	0.05	0.03
701 - 800		0.19	0.06	0.03
801 - 900		0.20	0.07	0.04
901 - 1000		0.23 *	0.08	0.04

For chickens, round to the next highest 100 and multiply this number by 0.0000018.
For turkeys, round to the next highest 100 and multiply this number by 0.0000033.

If you have more than 1000 head of hogs, sheep, or goats, round the number to the next highest 100, and multiply this number by one of the following factors:

For hogs, multiply by 0.000074
For sheep or goats, multiply by 0.000037

Round the amount you calculate to the nearest 0.01 cfs and enter this amount in the appropriate space on your claim. You may claim 0.01 cfs even if your calculated amount is less than 0.01 cfs.

* If you have more than; 370 head of dairy cows, or 1000 head of other cattle, horses, or mules, or 3250 head of hogs, or 6500 head of sheep and/or goats, or 130,000 chickens, or 72,200 turkeys you probably use more than 13,000 gallons of water per day. Form No. 42-1409(2)a is used for claims when the amount of water diverted exceeds 13,000 gallons per day.

TOTAL QUANTITY CLAIMED

Item 7: Enter the total amount of water diverted for all the uses shown in Item 6. The total quantity claimed cannot exceed the diversion capacity of the system, or the total of the individual uses.

DESCRIPTION OF USES

Item 8: Describe the uses of the water as fully as possible. Examples: Domestic, enter the number of households connected to the system. Stockwater, enter the number and kind of livestock. If you are claiming domestic use for more than one home, each house must be owned by the same individual or organization.

EXAMPLES:

Domestic, 1 home; Stockwater, 100 head cattle.

Domestic, 1 home; Stockwater, 85 head cattle, 10 head horses.

DESCRIPTION OF PLACE OF USE

Item 9: The place of use is the location in which the water is used. Enter township, range, and section of the place of use. Also, describe the place of use to 40-acre tract (quarter-quarter section) or government lot within a section. If the water is used at the same location that it is diverted, the legal description of the place of use would be the same as the legal description of the point of diversion described in Item 4. “Check” one of the uses (Domestic, Stock, Domestic and Stock) which best describes your water use. The use “checked” should be the same as the use(s) entered in Item 6. A space is provided if your place of use is in two 40 acre tracts. However, if your water is used in more than two 40-acre tracts, it might be easier to file your claim on Form No. 42-1409-1. If the Parcel Number or PIN for the place of use is different from the one entered for the point of diversion, enter the Parcel Number(s) or PIN(s) for the place of use.

PLACE OF USE COUNTY

Item 10: Enter the county (or counties, if more than one) in which the place of use is located.

OWNERSHIP OF PROPERTY

Item 11: If you own the property listed as the place of use put a "check" in the space after the "Yes". If you do not own the property listed as the place of use put a "check" after "No", and describe in Remarks (Item 13) the authority you have to claim this water right. Examples: Power of attorney, lessee (renter), trustee, or estate administrator. Also, if you do not own the place of use, list the name(s) and address(es) of the owner(s) in Remarks (Item 13).

DESCRIBE OTHER WATER RIGHTS

Item 12: If other water rights owned by you or others are used at the same place and for the same purposes, the other rights overlap this right, and they must be described. If the other water right has a water right number assigned by the Idaho Department of Water Resources (IDWR), this number is a sufficient description. If the other water right does not have a number assigned by the IDWR, this other right should be described completely on an attached sheet of paper. If no other water rights are used at the same place and for the same purpose as the right you are claiming, place a “check” after "None".

REMARKS

Item 13: Use this space to enter information that requires more space than is provided on the claim form. This would include additional names and addresses (Item 1), names and addresses of new owners (Item 1), subdivision plat information (Item 4), and the authority for claiming this water right (Item 11). Also, include any relevant information that was not specifically requested on the claim form that would further define or describe this water right. If additional space is needed a separate sheet of paper may be used and attached to the form.

Be sure to identify all documents submitted with the claim form in this Remarks section. This is essential so additional information submitted by you does not become separated from the claim form.

BASIS OF CLAIM

Item 14: Indicate by placing a "check" in the appropriate space the basis on which you are filing your claim. If no record of your water use is in the Department's files, you probably have a **Beneficial Use** claim (see PERMIT REQUIREMENTS), and no Idaho Department of Water Resources (IDWR) Water Right Number can be entered. If the basis of your claim is a "Claim to a Water Right" form you filed with the Department, you have a Beneficial Use claim, and you should enter the **IDWR Water Right Number** assigned to that claim. If the basis of your claim is a Posted Notice, provide a copy of the **posted notice** as described in Item 2. If the basis of your claim is a water right **License** issued by the Department, enter the IDWR Water Right Number assigned to that license. If the basis of your claim is an approved **Permit**, enter the IDWR Water Right Number assigned to that permit. If the basis of your claim is a **Decree**, and the decreed right was assigned a water right number by the Department, enter the water right number in the space after IDWR Water Right Number. This is NOT the order of priority number that was assigned by the decree. If an IDWR Water Right Number was not assigned to your decreed water right, enter the Court, the Decree Date, and the Plaintiff vs. Defendant or the name of the decree, as it is commonly known.

SIGNATURE(S)

Item 15: Before signing your claim, read the document “How You Will Receive Notices in the Coeur d’Alene-Spokane River Basin Adjudication" which can be obtained at any IDWR office, or it can be viewed and printed with the Domestic and/or Stockwater claim form on IDWR’s web page.

After you have read and understood the document, place a “check” in the appropriate space indicating that you do or do not wish to pay a small annual fee for a subscription to receive monthly copies of the docket sheet.

Enter the number of attachments in the space provided.

Item 16: If you want the notices required by law that are associated with this claim to be mailed to your attorney instead of you, have your attorney complete Item 16.

FILING FEE

Each claim submitted must include the filing fee. The filing fee for domestic and/or stockwater use claims diverting less than 13,000 gallons of water per day is $25.00. If you are claiming a water use based on a water right permit, license, decree or statutory claim, including a copy of the document will expedite the processing of your claim.

Make checks payable to the Idaho Department of Water Resources.

Send the fee along with the original claim form to one of the following offices:

Eastern Region
Idaho Department of Water Resources
900 N. Skyline Dr., Ste. A
Idaho Falls, ID 83402-1718

Southern Region
Idaho Department of Water Resources
650 Addison Ave W, Ste. 500
Twin Falls, ID 83301-5858

Northern Region
Idaho Department of Water Resources
7600 N. Mineral Dr., Ste. 100
Coeur d'Alene, ID 83815-7763

Western Region
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705-5082

If you need additional information or assistance in completing the claim form, you may visit one of the Department's offices.