

March 27, 1970

Re: Water License No. 366

Mr. Hazen L. Muir
132 No. Sunset Place
Monrovia, California 91016

Dear Mr. Muir:

With reference to your letter, of February 25, 1970, please be advised that the water license appears to be in good standing. You indicated in your letter that the water has not been used, since about 1946. It appears under Idaho law that when water is not used for a period of five years or more the water right may forfeit by nonuse. The declaration of this forfeiture is a court decision, which at present does not exist for this license as far as we can determine. Therefore, it is a legal matter to determine whether or not the right is still valid. We would again state that the file appears to be in good standing.

As to the statement "a perpetual right", you must consider existing court cases and the provision for forfeiture by nonuse for five years or greater, therefore, we cannot identify the true meaning of the phrase. Possibly your attorney could advise you on this matter.

If we can assist you further, please contact us.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:kh

25-2001