



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

March 28, 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

JOE AND JERELYN HILL
PO BOX 81
TETONIA ID 83452

RE: Snake River Basin Adjudication Claim A22-13136

Dear Mr. and Mrs. Hill:

This morning I received your letter indicating disagreement with the assertions made in Snake River Basin Adjudication (SRBA) Claim A22-13136. It does not appear that the Department of Water Resources has completed its investigation into Claim A22-13136, so I am forwarding your letter to our office in Idaho Falls for inclusion in the claim investigation file. Please contact Ernest Carlsen at (208) 525-7161 for an estimate of when Claim A22-13136 will be investigated and reported to the SRBA court.

As we recently discussed on the phone, §42-1102, *Idaho Code*, governs implied rights-of-way for the maintenance of ditches. You should have already received a copy of §42-1102, *Idaho Code*, in the mail from me. With this letter I am enclosing a copy of §42-1204, *Idaho Code*, which describes the obligation of a ditch owner to keep the ditch in good repair. Rights-of-way and easements for ditch maintenance are civil matters and are not enforced by the Department of Water Resources. I recommend discussing the provisions of §§42-1102 and 42-1204 with your neighbor and/or his attorney. If your neighbor continues to deny access to the ditch for maintenance purposes, you might consider consulting your own attorney about your legal options.

If you have any questions, please contact me at 208-327-7946.

Sincerely,

A handwritten signature in black ink that reads 'Shelley W. Keen'. The signature is fluid and cursive, with the first name 'Shelley' being more prominent.

Shelley Walter Keen
Water Rights Supervisor

Enclosure

Cc: SRBA Claim File A22-13136