

8 March 2002

Mr. Earl Mapes, President
Indian Falls Property Owner's Association
1061 Sagewood Pl
Pocatello, ID 83201

Re: LACK OF RESPONSE TO REQUESTS

Dear Mr. Mapes:

As you know, I have been working on the Snake River Basin Adjudication (SRBA) water right claims in your area of Basin 29. Over the past year I have met with you and several members of your organization, several times, in an attempt to rectify the problems associated with the water rights appurtenant to the property now held by members and the Indian Falls Property Owner's Association. I have even solicited assistance from an IDWR attorney in an effort to resolve some off these problems, at no cost to your group.

Last Fall I was asked to speak at your annual members meeting addressing the water right issues now before your group. Some of these issues include: The 1998 agreement assigning the rights to Mr. H. P. Hudgens, et al; the formation of a water users association and I have even provided a draft as sample for organization purposes; on-site inspection and the proposed amendment of existing water right claims to correct elements such as point(s) of diversion and place(s) of use; extensive GIS research to determine place of use and correlation of respective ownership of division parcels and I have mailed copies of the results for your perusal in making suggested amendments.

The point is simply this: I have done everything you and your organization have asked of me and even gone beyond the scope of my position description in an effort to assist your organization in realizing favorable recommendations of the claimed water rights for the Indian Falls (group). However, with all this said and done, on my part, I have not received requested information from your group. The SRBA Basin 29 recommendations will be completed in June in final form to be presented as a Preliminary Director's Report to the claimants, then on to the SRBA court for processing as Partial Decrees. At this time, the Indian Falls (group) water rights are subject to significant reductions or even disallowal intoto.

Indian Falls
Page 2

There is also the matter of the Extended Season of Use of the water rights beyond the season defined by the Union Grain and Elevator Decree, August 6, 1932. I have enclosed a copy of a letter describing the extended season concept. If you feel this type of claim is significant to your group then an additional claim is required.

If your group intends to pursue favorable recommendations to claimed water rights, in some form, you (someone) must provide the requested information immediately.

Thank you for your attention in this significantly important matter. Should you or your constituents have questions regarding this matter please feel free to contact me.

Respectfully submitted,

Allen B. Ruberry
Sr. Water Resource Agent

cc; file

enclosure: D.R. Tuthill Letter, Nov. 23, 2001, *Portneuf River Season of Use*

November 19, 2001

Earl Mapes
Indian Falls Property Owners' Association
1061 Sagewood Pl
Pocatello, ID 83201

Re: Indian Falls Water Users Association

Dear Mr. Mapes:

Allen Ruberry from the Idaho Department of Water Resources Idaho Falls office has contacted me concerning some questions you have about the formation of the Indian Falls Water Users Association. He has faxed me a copy of the draft Charter.

It appears that the intent of the Association is to own the water rights listed in the charter. However, based on your conversations with Mr. Ruberry and our information about the water rights, it seems that the water rights are currently split among various people conveyed through various deeds.

In order to recommend these water rights in the name of the Association, the Department needs a change of ownership accompanied by proof that the Association is now the owner of the water rights. You can obtain a change of ownership form from the IDWR Idaho Falls office; the phone number is (208) 525-7161.

I suggest that you contact an attorney concerning this matter in order to make sure that your Association is properly formed and that it holds the water rights properly.

Sincerely,

Candice M. McHugh
Deputy Attorney General, IDWR

cc: Allen Ruberry, IDWR Idaho Falls Office