

November 26, 2001

Thomas J Archibald  
PO Box 338  
10408 E Thunder Mountain Rd  
Lava Hot Springs ID 83246

Re; Correspondence with IDWR State Office, Boise

Dear Mr. Archibald:

This morning I received an e-mail addressing the Diversion Rate issue with your claim to 29-00173. I am aware of this issue; you and I discussed it during my visit on June 28, 2001. The Water Rights Allocations section has been advised of the data base error and it will be corrected. As for Adjudication Claim A29-00173, I will recommend the decreed amount of 0.80 cfs, which I also explained. A decree excerpt is attached.

While on the subject of the adjudication claim recommendations, I have enclosed a copy of the GIS layout showing the Place of Use to be recommended. As you can see, I will recommend a total 112 acres. The acreage on the lands **above** your house both north and south will not be recommended (note the GIS photo).

Since my June visit, four of your neighbors have stated there has never been irrigation on those acres. Further, they will protest any recommendation of irrigated acres in those areas. In addition, I have obtained a copy of the FSA (old ASCS) aerial photo for your area. That photo, circa 1987, does not show irrigation; rather dry farming.

You stated during the June field exam that these areas had been irrigated prior to 1987. Since I am unable to locate such evidence please provide any supporting evidence you have showing irrigation prior to November 19, 1987. Any activity on these lands relating to the use of water after the 1987 date will require a formal IDWR transfer.

Thank you for your prompt attention to this important matter.

Sincerely,

Allen B. Ruberry  
Sr. Water Resource Agent  
Adjudication Bureau

Cc: file

Enclosure: GIS photo  
29-00172 & 00173 decree excerpt