



State of Idaho

DEPARTMENT OF WATER RESOURCES

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DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 22, 2003

HERB GREWING
ARDIS GREWING
902 N MINK CK RD
POCATELLO ID 83204

RE: Notice of Error Reply for Snake River Basin Adjudication (SRBA) recommendation
29-00274h

Dear Mr. and Ms. Grewing,

The Idaho Dept. of Water Resources received the Notice of Error (NOE) reply you sent on 4/21/03. I reviewed the NOE and the file and will try to address your concerns.

29-00274H:

1) You stated you disagreed with the recommended place of use.

The place of use recommended was determined based on a field exam conducted on 8/14/02. At that time I met with Ms. Grewing and she stated that only that area around the house was irrigated with the creek water and the land by the creek was irrigated from the well. From that information I drew in what I determined as the place of use and using a program called ArcView calculated the acres.

I am enclosing a map. If you still feel that the recommended place of use is incorrect, please take that map and draw in the additional acreage that should be included. Then submit that map to this office along with an affidavit from yourself or a neighbor who knows the historical irrigation practice of your property. This affidavit should describe how the water historically and currently reaches that ground, along with when it was last put to beneficial use on that ground.

2) You stated that you disagreed with the recommended quantity.

This claim is for a portion of decreed right 29-00274. The quantity recommended was based on acreage. Evidence collected supported 1.6 acres of irrigation. Support of additional irrigated acreage would support and increase in recommended diversion rate.

3) You stated that you disagree with the recommended period of use.

The Mink Creek decree *Smith et al vs. City of Pocatello et al* defines the season of use from 4/15 to 9/15. Because you are claiming a portion of a decreed right described in the decree, IDWR cannot overrule the prior decree and recommend a different Season of Use. I have enclosed a copy of the page in the Mink Creek decree that address this issue for your records.

However, since IDWR has determined that the standard season of use for your area is 4/1 to 10/31, the remark was added to the recommendation stating that water can be used from 4/1 to 10/31 provided that it does not injure another user.

If you still disagree with the season of use, you can file an objection at the time the directors report is issued and be heard by the SRBA court.

Conclusion:

I realize that this can get very complicated. Please feel free to contact me with any questions.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Craig L. Saxton", with a stylized flourish at the end.

Craig L. Saxton
Sr. Water Resource Agent
Adjudication Bureau