



State of Idaho

DEPARTMENT OF WATER RESOURCES

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DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 18, 2003

WESLY J KENT
TAMRA J KENT
3122 RAPID CK RD
INKOM ID 83245

RE: Notice of Error Reply for 29-00285G

Dear Mr. and Ms. Kent,

Per our phone conversation with Mr. Kent on April 17, 2003, I researched the historical water rights that might be applicable to your property.

Your property was originally owned by two different individuals that at the time the Rapid Creek decree was signed. T7S, R36E, S15, SESE was owned by A.J. Damron. T7S, R36E, S14 was owned by George A. Whitworth. Both Mr. Damron and Mr. Whitworth were party to the Rapid Creek decree, *Charles E Stewart, et al vs A. J. Damron, et al*. Both Mr. Damron and Mr. Whitworth were granted water rights from Rapid creek.

You claimed a portion of rotational right 29-00285. Through the notice of error process, issues with how this water right was recommended to the different users have surfaced and I will address those issues in a separate mailing.

However, at this time, you have only claimed a portion of that rotational right. If this is your historical practice, that is fine. But if you use the water on a regular basis I feel it would be in your benefit to claim portions of the additional rights decreed to Mr. Damron and Mr. Whitworth.

Mr. Damron was decreed right 29-00302 with a 6/1/1904 priority date. Mr. Whitworth was decreed right 29-00297 with a 6/19/1902 priority date. Both of these decreed rights define a place of use (POU) that was located on what is now your property.

For your convenience I am enclosing claims for a portion of the two above mentioned rights. If you chose to file the claims, look over them and initial any changes you wish to make. When satisfied, sign the claims in front of a notary and return it to this office as soon as possible with the appropriate filing fee. Filing fees are \$50.00 per claim and \$1.00 per acre. However you have already paid for the acreage when you filed 29-00285G. So if you filed both claims the fee would be \$100.00. Note that when I wrote

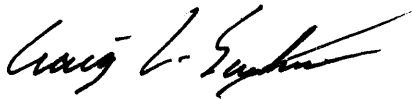
up the claims I left out the pasture by Rapid Creek road since you said that area was irrigated from your domestic well.

In addition, in order for me to support recommending any of the new claims, or increasing the recommended acreage under 29-00285G, I need additional evidence to support historical use.

As we spoke about on the phone, evidence of use could be in the form of affidavits from yourself or a neighbor describing when Rapid Creek water was last put to beneficial use on your property, the extent of use, and how it was put to beneficial use (describe the irrigation system). Other evidence would be pictures of the riser you mentioned on the phone, pictures of the irrigation pipe, or historical CFSA photos that show your pasture as irrigated ground.

I realize this can get really complicated so please feel free to contact me if you have any questions.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Craig L. Saxton", with a stylized, flowing script.

Craig L. Saxton
Sr. Water Resource Agent
Adjudication Bureau