



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 8, 2002

M.D. MORRISON
BARBARA MORRISON
PO BOX 564
INKOM ID 83245

RE: Snake River Basin Adjudication (SRBA) claims 29-00258H, 29-00302, and 29-00306.

Dear Mr. and Mrs. Morrison:

Paul Meyer with whom you spoke with in Idaho Falls last week contacted me. He sent me the information you provided.

I have looked through the receipts and the system description provided. Since all of these receipts are dated in 1963 and 1964, it appears to me that the receipts provided are for the system equipment that was put in place to develop water right 29-02497 for use of the spring water from the gulch. Right 29-02497 has a priority date of 9/30/1964 so that seems to make sense. As stated in the letter I sent on July 12, 2002, I see no problems with the SRBA claims for spring or gulch water and plan to make a positive recommendation to the SRBA court concerning these claims.

The other supporting evidence that the receipts provided are for the spring water rather than Rapid Creek water is found in the remarks of the uncompleted transfer application you showed me on 6/26/02. The application you showed me was partially completed in March of 1990, but according to IDWR records, was never submitted. Part 2, Question 10 of the transfer application asks, *"To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use? If yes, describe."* The application answers that question with, *"Yes"* then states, *"Ditch has been useless for several years. Previous property owner did not keep ditch clean."* This indicates to me that a piping system has not been in place to divert Rapid Creek water since at least 1990.

During our conversation at your home on June 26, 2002, I explained that if the Rapid Creek water hasn't been used of some time, I would not be able to make a favorable recommendation to the SRBA court on the Rapid Creek claims.

If you feel my assessment is incorrect, I will need evidence of when the last time Rapid Creek water was used on the claimed place of use and how the water gets there from Rapid Creek. Please feel free to contact me if you have any further 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