



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

September 7, 2005

PHILIP M VINCI
7863 LA MESA BLVD STE 201
LA MESA CA 91941

Re: Snake River Basin Adjudication
75-4078E, 75-143B, and IWRB Claims

Dear Mr. Vinci:

Responding for Mr. Dreher, I regret the delivery of the mail from IDWR to the Salmon County courthouse did not coincide with your request to view the claims reported for the Idaho Water Resource Board. The report at the courthouse is on a compact disc (CD) that was identical to the CD provided to the SRBA Court in Twin Falls that was docketed August 12, 2005. You should have received by electronic mail on September 2, 2005, the report in an Acrobat file as an attachment. I can send a CD or the report of IWRB claims in paper form, if you like. Thank you for your diligence and interest in actively participating in the SRBA.

Perhaps some confusion about the claims occurs between claims you have filed or acquired and what property you hold now. Your response dated July 22, 2005, to our letter on 75-4078E led the staff to conclude you and your co-claimants no longer had any interest in the water right and property south of Salmon and no further correspondence to you was necessary. The file for this water right claim is in Salmon for investigation. I can discern from the data records, however, this split, denoted by the alphabetic suffix, was created in 1995 from a change in ownership from Sims or a successor to yourselves. Sims had claimed 75-4078 south of Salmon near the mouth of Perreau Creek that was split three ways in 1995. The number of splits for 75-4078 now stands at 14. We have not received any change of ownership notice from the current owners that are required by law to notify IDWR of the change for the part you apparently did own years ago. We will pursue the issue of priority date with those owners in due course.

As to 75-143B north of Salmon on Fourth of July Creek that you quite apparently still own, the issue of a priority date is not in question because this water right comes from an earlier decree on December 16, 1982, in *Nelson v. Brown* in the Idaho Seventh Judicial District, Case 5235. IDWR does not pry into

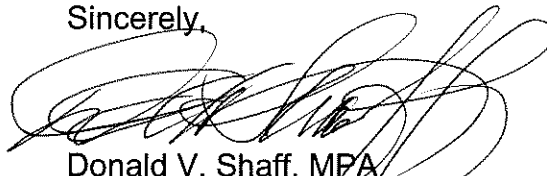
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those matters settled by a previous action. The recommendation for your claim to the SRBA Court has not been started yet. We will do so in the near future. You will receive a preliminary recommendation planned before the end of the year. You will have a chance then, with ample time for a reply, to review our recommendation and provide the necessary feedback. The IDWR objective is to submit to the SRBA Court a recommendation that needs no objection and will sail smoothly to a SRBA water right decree.

I noticed from your letter your office address is different than the delivery address we have for yourself, Ms. Vinci, and Mr. Somers on Claim 75-143B that is 3211 Chelsea Park Circle, Spring Valley, CA 91978. If you would like a different delivery address for one or more of you, please advise this office. You have no need to contact us on this point, if the address in Spring Valley is adequate for your purposes of receiving future notice or correspondence.

Mr. Vinci, thank you for your courteous letter. I trust my letter has clarified our actions on your water right claim thus far. Please contact me if you have further questions or I can be of assistance to you.

Sincerely,



Donald V. Shaff, MPA
Adjudication Section Manager

C: K. Dreher
R. Brown