

4 December 2002

Mr Kenneth M Williams
26132 S Downata Rd
Downey ID 83234

Re: Snake River Basin Adjudication water right claim 29-00328A

Mr. Williams;

I am in the process of formulating recommendations for the water right claims in your area. Upon review of your claim, referenced above, I find you have claimed two sources of water under this decreed right. The original 29-00328 was decreed in *Wakley vs Wakley, 1904*, for 1/6th of the flow of Birch Creek and subsequently split. You have claimed both Birch Creek and Rowley Creek as sources for your claim 29-00328A.

However, since Rowley Creek was addressed in *Phillips vs Edwards, 1924*, it is not possible to combine such different water rights into a single claim. Therefore, you will be required to file an additional claim for the Rowley Creek water right. Such a claim will require a filing fee of \$50.00.

The recommendation for your claim 29-00328A will address only Birch Creek. The Rowley Creek component of that claim will not be recommended.

Please call me at 525-7161 so that we can further discuss this matter, if you are interested in filing a separate claim to Rowley Creek. We are running very close to the completion deadline for Basin 29, so I encourage expedience on your part.

Respectfully submitted,

Allen B. Ruberry
Sr. Water Resource Agent
Adjudication Bureau

Cc; file

Mailed 12/5/02
via Downey