



State of Idaho

DEPARTMENT OF WATER RESOURCES

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DIRK KEMPTHORNE
Governor

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Director

April 21, 2003

TODD GILBERT
JANINE GILBERT
PO BOX 302
INKOM ID 83245

RE: Notice of Error reply for Snake River Basin Adjudication (SRBA) claim 29-00603A

Dear Mr. and Ms. Gilbert,

Our office received the notice of error reply you sent in. We spoke about this briefly over the phone, but I wanted to send you letter to address your concerns.

On the notice of error reply you stated that the priority date on the claims is wrong and should be 1886 since your property falls on and old Indian Allotment.

It is true that the claimed POU for 29-00603 does fall on and Indian allotment. However, your property was included in the Indian Creek decree *United States of America, and Turman J. Hofhine vs C. S. Skeem, Marcus Skeem, S. H. Cotterel and L. L. Walker*.

At the time this court case was being reviewed the priority date for the water rights on your property were established. I cannot recommend a priority date prior to the decreed date from this source since in 1920 the court established the priority date.

This is the same issue with your fathers water rights from Rapid Creek.

Further questions on this issue can be directed to Candice McHugh, Deputy Attorney General at (208) 327-7900.

Please feel free to drop me a line if you have further questions.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Craig L. Saxton'.

Craig L. Saxton
Sr. Water Resource Agent
Adjudication Bureau