



United States Department of the Interior

OFFICE OF THE SOLICITOR
Pacific Northwest Region
Boise Field Office
Federal Building & U.S. Courthouse
MSC 020-550 West Fort Street
Boise, Idaho 83724-0020

RECEIVED

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Department of Water Resources

April 9, 2003

Via U.S. Mail

Susan Hamlin Nygaard
Deputy Attorney General
State of Idaho
Post Office Box 83720
Boise, ID 83720-0098

David R. Tuthill, Jr. P.E.
Adjudication Bureau Chief
Idaho Department of Water Resources
Post Office Box 83720
Boise, ID 83720-0098

Re: A01-02061, A01-04051, A29-02262, A29-02288, A29-02306,
A29-02307, A29-02310, A29-02341, A29-02567, A29-2568,
A29-02571, A29-10044, A29-10047, A35-02302

Dear Susan and Dave:

This letter is in response to the Director's Notice of Error Report for Basin 29. It has come to our attention that the Bureau of Reclamation's claims for Falls Irrigation District as listed below and as attached were not considered, except for one-- A29-02380. However, these claims were timely filed by the Department of Justice at the same time as the rest of Reclamation's claims that have been reported out (or disallowed) without incident. Further, these claims were lodged by the District Court's deadline for Reclamation of July 7, 1989.

Thus, the Reclamation claims in issue for Falls Irrigation District are:

A01-02061	Pumping Plant	153.00 cfs
A01-04051	Recharge Storage	11,000.00 af
A29-02262	Well E	2.20 cfs

To Roger
for Paul
To Ernie

4/24/03 - TC Don Shiff. He is
sending letter to BOR & Falls Irrig.
District requesting proof of
Ownership. Also negotiating with
Roger Ling about recommendation.

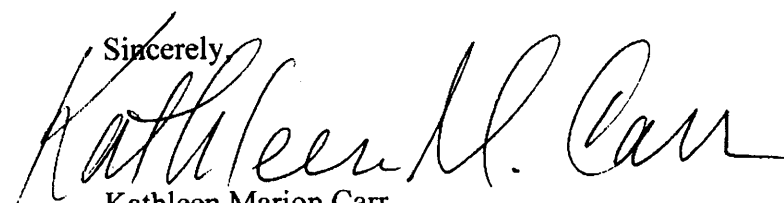
A29-02288	Well G	2.57 cfs
A29-02306	Well B	2.85 cfs
A29-02307	Well F	2.20 cfs
A29-02310	Well Q	1.25 cfs
A29-02341	Well M	2.61 cfs
[A29-02380	Wells	41.04 cfs]
A29-02567	Well C	2.45 cfs
A29-02568	Well P	3.79 cfs
A29-02571	Well H	2.23 cfs
A29-10044	Well 16	3.57 cfs
A29-10047	Ditchrider's House	0.07 cfs
A35-02302	Well K	1.56 cfs

It is my understanding that the reason for the lack of consideration for these claims is because IDWR's Eastern Office never received the paper copies of the claims from the State Office. This seems odd since, as mentioned, the Notice of Error proposes to recommend A29-02380 for irrigation purposes and it was with these missing claims.¹

Nevertheless, since the claims were timely filed we would like to request that your office correct the Notice of Error for Basin 29 and specifically that portion that deals with Falls Irrigation District and rereport the above referenced claims out (or disallow) with that basin report. Attached for your consideration are the documents that were filed with you and the SRBA Court that support the United States' meeting the July 7, 1989, filing deadline.

If you have any questions, please let Dave Gehlert, our trial attorney with the Department of Justice, or me know. Dave's phone number is 303-312-3752, and mine is 334-1911.

Sincerely,


Kathleen Marion Carr
Attorney

Attachments

cc: David W. Gehlert, Esq.

¹Please note that the Notice of Error also proposes to recommend 29-10045, 29-02614, 29-01046 but these are all domestic claims and were filed later than the above referenced claims. In addition, the Notice of Error did disallow 29-02614A, 29-10044, and 29-10047, but states that these three are recommended out with new numbers and we are unclear at this time what those numbers are and in whose name the rights will be held.