



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. SKYLINE DR., SUITE A, IDAHO FALLS, ID 83402-1718

PHONE: (208) 525-7161 FAX: (208) 525-7177 WEB SITE: www.idwr.state.id.us

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 17, 2005

David W. Glenn & Cherie T. Glenn
448 Seneca Rd.
Great Falls, VA 22066

RE: Notices of Error on 27-2039, 27-4000A, 27-4000B and 27-11339

Dear David & Cherie:

In response to the Notices of Error submitted in your behalf by Brent L. Whiting, attorney, I have reviewed the documentation contained in our files and reached the following conclusions.

27-2039 – The recommendation on this license was based on a transfer you filed and was subsequently approved in December 2002. The elements of the recommendation mirror the elements of the water right described by the approved transfer. Because this administrative action occurred after commencement of the SRBA the recommendation on claim 27-2039 is based on the approved transfer.

27-4000A and 27-4000B – These two claims were disallowed because documentation in our files did not show that water from Chesters Spring was used on your property. There are copies of several old deeds in our claim files, dated around 1906, referring to the use of water from a spring I believe to be Chesters Spring. However, the legal description on the deeds is the E1/2NE1/4 of Section 9 and W1/2NW1/4 Section 10, Twp 6S, Rge 42E. Your property is located in the SWSW Section 10, Twp 6S, Rge 42E. The description of how water was initially piped from Chesters Spring with sections of bored out Lodge Pole Pine identifies a mechanism for conveying water from Chesters Spring to Henry. However, the capacity of the pipe and natures of use would need to be identified. Based on my current understanding of how water came to be used on your property any uses recommended under 27-4000A or 27-4000B would cause a corresponding reduction in uses and amounts recommended under 27-2039.

27-11339 – In addition to the same uses listed on 27-2039, 27-4000A and 27-4000B this claim lists commercial as a new use for the water from Chesters Spring. The earliest mention of recreational camp sites in the documentation we have suggests they were developed around 1983. Though our preliminary recommendation is to disallow this claim, if you can show that water was provided to the recreational camp sites prior to 1971 this would provide a basis for a beneficial use right based on when the recreational sites were first developed.

2 May 11



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I hope this letter helps to clarify the issues regarding the recommendations on your claims. Feel free to provide additional documentation for us to consider. We will need to receive this information by the end of September in order to have time to evaluate it and possibly modify the present recommendations.

Respectfully yours,

Ernest Carlsen
Water Rights Supervisor

cc: Scott Smith

MAY-23-2005 08:38 FROM:

TO: IDNR/3/2005

P. 14

05/16/2005

13.

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDNR by the deadline date printed below if you want IDNR to change your recommendation or you want to let IDNR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS:

Water right number: 27-11339

27-11339

DAVID W GLENN
448 SENECA RD
GREAT FALLS VA 22066
Telephone Number: (208)433-2671

CHERRIE T GLENN
448 SENECA RD
GREAT FALLS VA 22066
Telephone Number: (208)433-2671

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

That it was disallowed.

2. Describe the changes you wish to make in the proposed recommendation:

Applicants believe it should be disallowed.

3. Give a brief explanation as to why you disagree with these portions:

This claim should not be recommended as part of Right No. 27-2039 along with rights 27-4000A and 4000B because applicants believe it is a separate right with a unique priority date, quantity and place of use.

☒ I AGREE with this proposed recommendation; no changes need to be made.

DATE: 7-27-05

SIGNATURE:

Please print your name: Brent L. Whiting - attorney for applicants

IDNR Regional Office, 900 N Skyline Dr Ste A, Idaho Falls, ID 83402, 2085257102

RECEIVED

AUG 01 2005

Department of Water Resources
Eastern Region

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