



State of Idaho

DEPARTMENT OF WATER RESOURCES

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DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

February 22, 2006

WILLIAM D COLLINS
WESTBERG, MCCABE, & COLLINS, CTD
516 W FRANKLIN ST
PO BOX 2836
BOISE ID 83701-2836

RESPONSE DEADLINE
MARCH 8, 2006

3-4002

Re: Irrigation Diversion Rate Requirement & Evidence of Priority Date

Dear Mr. Collins:

On December 2, 2005 we received a letter from your office addressing some issues with the Snake River Basin Adjudication (SRBA) claim 3-4002. This claim is in the name of Lucich Family Limited Partnership. Your letter addressed the justification of increasing the diversion rate for claim 3-4002 and difficulties obtaining the evidence needed to support the priority date of June 1, 1915.

The report you provided to our office to support the diversion of more than 0.02 cfs per acre the property of Lucich Family LP has been reviewed and approved. This will allow us to recommend 2 cfs for your 71 acres as claimed, given that proof of priority is submitted and accepted.

Due to the difficulties you have had in obtaining a copy of the Homestead Entry file, we have been flexible with the deadline for submitting proof of the claimed priority date. Your previous letter indicated that you expected to receive this documentation at the beginning of February. As two weeks have passed since this time, we are sending another request that evidence of priority date be supplied by the deadline above. If the Homestead Entry file cannot be obtained in a timely manner, it may be necessary to provide other items as evidence of priority.

PLEASE NOTE: If no evidence is submitted, IDWR will recommend the SRBA Court decree the claim disallowed. It will be to your advantage to provide clear and convincing evidence.

Please submit the required evidence supporting the priority date and the historic use by the date shown above, referencing all documents with the corresponding claim number. If you should decide to return the materials in anything other than the enclosed mailer, please include the notation "ATTN SRBA Claim Number 3-4002" on the front of the mailer. If you have any additional questions, please contact this office. If you wish to call, our toll free number is 1-800-451-4129. You may reach me directly at (208) 287-4918.

Sincerely,

Jennifer Dean
Engineer in Training
Adjudication Bureau

Enclosure(s)

CC: LUCICH FAMILY LP
9257 FOOTHILL RD
MIDDLETON ID 83644