



State of Idaho

DEPARTMENT OF WATER RESOURCES

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EASTERN REGION

June 24, 2003

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

J R SIMPLOT COMPANY
C/O VIC CONRAD, LAND DEVELOPMENT
PO BOX 27
BOISE ID 83707

RE: Basin 29 Notices of Error; Water Right Nos. 29-4088 & 29-10927.

Dear Mr. Conrad:

Thank you for sending in your notice of error for the above referenced water rights. In your reply, you mentioned that you disagree with the department's preliminary recommendation for both rights 29-4088 & 29-10927. You indicate that the preliminary recommendation for right no. 29-10927 states that it is "recommended as right no. 29-4088" but that the place of use claimed for right 29-10927 were omitted from the place of use list on the preliminary recommendation for water right 29-4088.

I have reviewed the file concerning this matter and comment the following:

- In a letter from former IDWR Senior Water Right Agent, Bryce Contour addressed to Vic Conrad dated July 24, 2001, Mr. Contour comments that the areas claimed to be irrigated under claim 29-10927 "*...is not and has not been irrigated.*" This comment was the result of a personal visit and conversation with Mr. Norm Self and Mr. Bob Willey, employees of the JR Simplot Company, and Elise Teton, Tribal Engineer, Shoshone-Bannock Tribe. For your convenience, I have included a copy of the letter (minus enclosures).
- This last comment precludes an earlier comment in the same letter in regards to evidence of priority. Apparently, there were questions concerning a letter provided by Mr. Robert W. Swanson indicating whether or not Mr. Swanson had personal knowledge or the date upon which he personally observed beneficial use.
- A follow up letter supplied by Mr. Conrad in regards to 29-4088 shows revised areas of place of use requested to be included in the recommendation none of which contain the areas requested in the referenced notice of error reply. For your convenience, I have included a copy of the revised map that was returned to us.

Based upon this information, I am not inclined to make any changes to the recommendation.

If you have any questions regarding this matter, please feel free to call me at 525-7161.

Respectfully submitted,


W. Roger Warner
Adjudication Specialist

Enclosure(s) Letter from IDWR to JR Simplot Co. Dated July 24, 2001.
Revised Place of Use map returned to IDWR from JR Simplot Co.