

Warner, Roger

From: Warner, Roger
Sent: Thursday, April 17, 2003 9:17 AM
To: 'RICHARD WHITE'
Subject: RE: water rights #29-4095,#29-4096

Dear Mr. White,

Please don't get too nervous about April 21, 2003. That is a deadline to send in the notice of error. I have printed off our communications and will consider this to serve as the notice. In the mean time, we will strive to reconcile our differences. I have a fellow from our office that is heading down to Pocatello today. I have asked him to go by your property and assess the irrigated areas that you have claimed. If it looks as though about 3 acres have been irrigated in the past, then, I propose that we make the recommendation. This is subject to my supervisors approval, however. Thanks for keeping in contact. Feel free to call if necessary.

regards,

W. Roger Warner

Adjudication Specialist
Idaho Department of Water Resources
900 North Skyline Drive, Suite A
Idaho Falls, ID 83402-1718
(208) 525-7161, voice
(208) 525-7177, fax
rwarn@idwr.state.id.us

-----Original Message-----

From: RICHARD WHITE [mailto:ricknw777@yahoo.com]
Sent: Thursday, April 17, 2003 2:14 AM
To: Warner, Roger
Cc: shawna
Subject: RE: water rights #29-4095,#29-4096

Dear Roger Warner,

Thank You for your prompt reply today. Please E-mail an amended adjudication claim for 29-4095 for the 0.08 c.f.s.. Unless of of course we can amend the total acreage instead and keep the quantity at 0.10 c.f.s.. My Father's original statutory claim was actually intended to indicate 2 houses worth of domestic use and 1 acre being irrigated. That would be .5 acre for each house and one acre being irrigated. The source of water for 29-4095 is a spring. the source of water for 29-4096 is an unnamed stream which irrigates a totally different 1 acre. water right 29-4095 should actually be for a total of 2 acres. That would be a total of 3 acres for the two water rights.

Does the amended adjudication claim for 29-4095 require being filled out and returned or will it be completed by your office and then e-mailed? If so is April 21,2003 the deadline or is that just the deadline for the error forms?

Please provide if you would, info on whats required for an additional water right claim if we decide to do that for the third house.

4/17/2003

The third house was constructed around the same time as the first house, shortly after the land was homesteaded. It did not get running water until after 1971. It was originally a bunk house for hired hands.

Thank You again for your help and valuable information.

Sincerely, Richard N. White

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Warner, Roger

From: Warner, Roger
Sent: Wednesday, April 16, 2003 9:58 AM
To: 'RICHARD WHITE'
Subject: RE: water rights #29-4095,#29-4096

I have reviewed these two files AND the original adjudication claims. The preliminary recommendations were EXACTLY as they were claimed on the adjudication claims dated April 4, 1988. You mention three dwellings on the property. The claims and evidence of priority letters in the files mention only two. Was one more added since 1987? The ONLY way that this can be reconciled is to submit amended claims for I cannot consider your request without it being formally requested. Here's how I think this could play out. Typically a domestic water right allows 0.04 cfs per residence. On the original statutory claim to a water right dated March 27, 1979, it made a claim for 0.08 cfs plus 0.02 cfs for irrigation for a total of 0.10 cfs. If you submit an amended claim for this, we will recommend only the 0.08 for two homes. By statute, each home is allowed to irrigate up to 1/2 acre of lawn and garden under the domestic right. Therefore, for two homes, 1 acre of land may be irrigated without additional water rights. Additional areas irrigated would require their own water right. Hence claim no 29-4096.

Claim no 29-4096 is for 1 acre of land. The statutory claim made in March of 1979 also claims only 1 acre of land at 0.02 cfs. There is no other evidence in the files that would indicate than more than 1 acre of land was irrigated. The only way this may be amended to include additional acreage is to provide evidence that more than one acre was irrigated prior to May 20, 1971. Only with the evidence will we consider more than 1 acre or more than 0.02 cfs diverted. If evidence is provided, then an amended claim will be necessary as well.

Home number 3. The state of Idaho currently will grant a domestic water right to anyone who walks in the door when using a well. For using a spring, it is different. The reason would be the concern of sufficient quantities available to serve all of the residences. The first two residences we already have forms of evidence of priority for both of them and they are listed together on the 29-4095 water right. If there is indeed a third residence, then we need to know when it was constructed and the water was put to use. If it was prior to the 1971 date above, you can file a claim based upon beneficial use. If it was after 1971, you will need to file an application for a domestic water right. The priority date of course would be the date for which it was hooked up and water was used.

I am headed out of the office until late this afternoon. I will be in only the morning tomorrow and all day Friday. I can email or fax an amended adjudication claim for 29-4095 for the 0.08 cfs. The other will depend upon dates provided by you. This is not a difficult thing to do. I know for anyone not familiar with water rights, it can be quite formidable. You are more than welcome to email or phone.

regards,

W. Roger Warner

Adjudication Specialist

Idaho Department of Water Resources

900 North Skyline Drive, Suite A

Idaho Falls, ID 83402-1718

(208) 525-7161, voice

(208) 525-7177, fax

rwarn@idwr.state.id.us

-----Original Message-----

From: RICHARD WHITE [<mailto:ricknw777@yahoo.com>]

Sent: Tuesday, April 15, 2003 11:26 PM

To: rwarn@idwr.state.id.us

Cc: shtorangan@yahoo.com

Subject: water rights #29-4095,#29-4096

Dear Roger Warner,

Thank You for your return call! I am writing in reference to my Mother's water rights

4/17/2003

numbers 29-4095 & 29-4096. She recently enlisted the aid of her Granddaughter in filling out the notice of error replies with mixed results.

Basically the error that was not addressed was the domestic water use quantity. the original claim 29-4095, had 0.08 c.f.s.. The preliminary recommendation of water rights has 0.02 c.f.s.. Keep in mind there are three separate dwellings in use on my Mother's property. Total area of the property is 40 acres. The one acre area listed in the water right 29-4095, is just the area around the buildings.

Water right 29-4096 is used for irrigating a garden, and also fire suppression during dry season. The total area concerned when we take in to consideration fire suppression, garden, yards, and domestic use is closer to 3.5 acres, not one acre.

Will it be necessary to resubmit new notice of error replies, or can the corrections be implemented by phone or e-mail? Your recommendations would be greatly appreciated.

If new notice of error reply forms need to be filled out, please fax blank copies to: FAX# 425-235-4338; att. Richard N. White, phone 425-277-6382.

We are fast approaching April 21, so I would like to resolve this matter sooner than later. Thank You for your assistance!

Sincerely, Richard N. White

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