



STATE OF IDAHO

OFFICE OF THE ATTORNEY GENERAL

LAWRENCE G. WASDEN

August 23, 2006

City of Basalt  
PO Box 178  
Basalt, ID 83218

*Re. SRBA Subcase No. 27-7015*

To Whom It May Concern:

My attempts to contact you by phone have been unsuccessful so I am writing this letter to inform you of a proposed settlement with the Shoshone-Bannock Tribes to the above listed water right. The Shoshone-Bannock Tribes have indicated that placing a volume on the City of Basalt's ("City") water right would resolve their objection to the above subcase.

The Idaho Department of Water Resources ("Department") plans to file Amended Director's Reports with the SRBA District Court on August 31, 2006, and would like to include an Amended Director's Report for the above water right that places a volume on the water right. Currently, there is no volume limitation included on the City's water right, which is consistent with how most municipal water rights are recommended. However, the objection filed to the City of Basalt's water right may be settled if a volume is added.

Thus, the Department proposes to include a volume on the City's water right based on the recommended diversion rate being diverted 24 hours a day, seven days a week for 365 days per year. This volume "limit" reflects the maximum amount of water the City could divert under this water right and does not actually limit the volume because it allows the full diversion of the water year-round. I have enclosed a copy of the proposed Amended Director's Report.

If the City **does not want to include this volume** on its water right, **please notify me by August 30, 2006**. You can call me at (208) 287-4810. If I do not hear from you prior to August 30, 2006, then the Department will place a volume on the water right by filing an Amended Director's Report with the SRBA District Court. You will receive a copy of the Amended Director's Report when it is filed.

Very Truly Yours

  
Candice M. McHugh

Deputy Attorney General, IDWR

Enclosure

cc: Ernest Carlsen, IDWR

IDAHO DEPARTMENT OF WATER RESOURCES RECOMMENDED  
WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 27-7015  
NAME AND ADDRESS: CITY OF BASALT  
PO BOX 178  
BASALT ID 83218

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 2.000 CFS  
1447.9 AFY

PRIORITY DATE: 04/06/1971

POINT OF  
DIVERSION: I01S R37E S19 SWSE Within BINGHAM County  
I01S R37E S19 SESE Within BINGHAM County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u>                |
|-----------------------|----------------------|--------------------------------|
| MUNICIPAL             | 01/01 12/31          | 2.000 CFS<br><u>1447.9 AFY</u> |

PLACE OF USE:

Place of use is within the service area of the City of Basalt municipal water supply system as provided for under Idaho Law.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

The right holder shall record the quantity of water diverted and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.