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DEPARTMENT OF
WATER RESOURCES

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IDWR Regional Office
322 E. Front Street
P.O. Box 83720
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Attn: Mr. Donald Shaff

Re: Objections to Preliminary Recommendation Concerning Water Right Number 73-187B

Dear Mr. Shaff:

I appreciated the opportunity to speak with you last week concerning the referenced preliminary recommendation.

You may recall that I expressed the view that my wife and I are very comfortable with our written objections to the preliminary recommendation and that we wished to proceed to trial as soon as possible if the Department sees fit to maintain its present position regarding #187B.

Our position in this regard is simple indeed: the word "only" nowhere appears in the 814 grant and there is no evidence whatsoever that the document has ever been interpreted as though it did. In fact, all of the evidence, including that from the State's own representatives¹, is to the contrary. Thus, it appears that at trial that your office will be faced with the difficult task of proving, without any evidence, that its previously stated positions are wrong.

As I also mentioned, given the nearly two decade pendency of these claims, our only real concern is that some of our witnesses have already died and others are well along in years. It is imperative, therefore, that we get to trial as soon as possible if a solution cannot be reached.

Thank you for your attention to this matter.

Very truly yours,


Edwin C. Thomas

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¹ I have confirmed that the duly appointed watermasters take their direction from the State concerning interpretation and application of water rights. This means that the opinions of Watermasters Gassie and Martiny included with our earlier submissions in aid of objection are conclusive.