



State of Idaho

DEPARTMENT OF WATER RESOURCES

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JAMES E. RISCH
Governor

KARL J. DREHER
Director

December 6, 2006

ROBERT P SULLIVAN
5537 E MORADA LN
STOCKTON CA 95212

Re: Snake River Basin Adjudication (SRBA)
Preliminary Recommendation #73-12037

Dear Mr. Sullivan,

I appreciate the dilemma you face reconciling the deed you have for the property you acquired and the water rights recommended by IDWR for the property. Mr. Wring filed Claim 73-10014 in 1989 asserting the water right represented the combination of water rights described in a prior decree of Maelzer v. Smith adjudicated in 1921. I have enclosed a copy of Mr. Wring's claim and the pertinent page from the 1921 decree. As a further aid, I have enclosed a map showing the property described for each of the 1921 water rights of interest as well as the places of use of the recommended water rights for you and your neighbor.

You will see illustrated on the map former water rights 73-20 (1.6 cfs or 80 miners inches) and 73-21 (4.6 cfs or 230 miners inches) correspond to the water rights and the properties of you and your neighbor. However, former water right 73-24 (3.4 cfs or 170 miners inches) lies about a mile west of your properties. The division of the Wring property was along the same lines as the former owners of 73-20 and 73-21. No record has been produced that shows 73-24 was transferred or conveyed to the property you and your neighbor own. Nothing in any of the deeds described any specific water right or amounts of water for the property other than yours referring to 73-10014. As a result, 1.6 cfs has been recommended to 73-12038 for your neighbors, and 4.6 cfs has been recommended to 73-12037 for your property. The difficulty is the records of water rights from 1921 forward do not overcome the disparate ownership of water rights claimed. Mr. Wring clearly filed a claim for a total of 9.6 cfs. Finding 9.6 cfs is appurtenant to the land claimed has not been possible from the records discovered to date.

IDWR has a responsibility to investigate the claim and make a recommendation to the SRBA Court based on the available records including the prior decree. The Court has the sole authority to confirm the water rights that have been claimed. Submitting the Director's Report of recommendations is not the last straw. You can continue to

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research the matter after the Director's Report is issued and your objection, if any, is filed. IDWR is always open to settling contested water right recommendations before the Court when new information becomes available to eliminate extensive litigation, hearings, and trial.

Mr. Sullivan, I would suggest communicating with water master Ted O'Neal (876-4260) in the Pahsimeroi River basin for the records and reasons for the delivery of water from the creek for your property. Also, combing the county records could be a source for any possible conveyance of the third water right 73-24 that may have become appurtenant to your property. I look forward to further correspondence and communication as you uncover new information.

Sincerely,

A handwritten signature in black ink, appearing to read 'Don Shaff', written over a horizontal line.

Donald V. Shaff, MPA
Adjudication Bureau Chief

Enclosures