



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Interim Director

May 23, 2007

Clerk of the District Court
SRBA District Court
253 3rd Ave. N.
PO Box 2707
Twin Falls, ID 83303-2707

Re: SF5 for 74-00591 (Nelson)

Dear Diana:

Please find attached an SF5 settling subcase no. 74-00591. The reason for this letter is to explain the basis for filing an SF5 in this subcase and to ask the Court to set an objection and response deadline.

Water right no. 74-00591 was originally decreed in the Lemhi adjudication with a place of use in R22E. A claim to water right no. 74-00591 was subsequently filed in the SRBA with an incorrect place of use in R23E. The erroneously claimed place of use was recommended by the Department.

After the claim was filed, but before the Department issued its recommendation, the claimant filed a transfer "to correct Range location" from R23E to the R22E. Attached hereto is a copy of Application for Transfer of Water Right No. 5109. After publication of the Application for Transfer and an opportunity for Department review, Application for Transfer No. 5109 was approved. Transfer No. 5109 changed the place of use for water right no. 74-00591 from R23E to R22E. Attached hereto is a copy of Transfer No. 5109.

The legal description in Transfer No. 5109 should have been carried forward into the Department's recommendation for water right no. 74-00591; however, that did not occur. The incorrect legal description for water right no. 74-00591 was brought to the Department's attention through an objection filed by the United States Bureau of Land Management.

Enclosed with this letter is an SF5 signed by all parties to this subcase resolving the Department's error in describing the place of use.

Even though Transfer No. 5109 received appropriate notice and the place of use should have been recommended in the SRBA as R22E, the Department requests that the SF5 resolving water right no. 74-00591 be placed on the docket sheet to provide any interested party with the opportunity to object or respond.

If you have any questions regarding this matter, please do not hesitate to contact me.

Sincerely,



Donald V. Shaff
Adjudication Bureau Chief

cc: Larry A. Brown, BLM
Ernie Carlsen, IDWR
Ruby and Clyde Nelson

encls.