

Galbraith, Trent

From: Galbraith, Trent
Sent: Tuesday, January 16, 2007 11:41 AM
To: 'johnm@rexburg.org'
Subject: Water Right 22-7617

John,

Here is the issue with this water right. This is the well for Porter Park according to your claim. The claimed priority date in 1978. According to Idaho law for groundwater rights after 1963 a permit needs to be filed and it needs to be licensed in order for that water right to be valid. This date is referred to as the Mandatory Permit Statute Date. This is one of the reasons we disallowed the claim. The other reason is it was based on an Application for Permit, which is the paperwork filed to ask for a permit. We do not have any record of the fee being paid for this application and we don't have any information on it other than the adjudication claim that you filed. We don't even have an application with a signature. Our thoughts on this are that we used to data enter the applications into our database and then send them home with the customer for signature and to get a check. This creates a number in our database without any information for it. If we did not receive the signed application and payment we would not process it. We believe this is what has happened. Please check your records and see if you have any information on this water right application. You may file an objection with the court for this right but in my opinion it will not do you any good because it is past the mandatory permit statute date. Filing an objection is free and you can get the form off our website or Ray Rigby's office will also have a copy. You may also wish to get a consultation from an attorney. If you want to proceed with the application you would need to file a new application and pay the fee. From my standpoint this seems to be the only way you will get a water right for this well. If you have any other questions please let me know.

Best Regards,

Trent Galbraith
Water Agent
(208) 525-7161