



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WASDEN

June 15, 2007

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David W. Gehlert
Natural Resources Section
Environment and Natural Resources Division
1961 Stout St, 8th Floor
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Re: Subcase Nos. 85-16, et al.

Dear Counsel:

IDWR reviewed the *Joint Stipulation to Resolve Objections to Water Rights* that was signed by the parties and filed with the court on May 15, 2007 regarding the above-referenced subcases.

In order for IDWR to concur with this stipulation, a few corrections are necessary. The corrections are as follows:

- a. In paragraph #1 under the ***Point of Diversion*** section, there is an omission of the degrees in one of the coordinates. It should read: ***"The point of diversion for water right 85-02049 shall be at GPS coordinates N 46°12.751 and W 116° 50.289."***
- b. In paragraph #2 under the ***Place of Use*** section, it should read: ***"POU for 85-02049 shall include T35N R06W S12."***

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The department's recommendations for the water rights will remain the same. However, it appears the map for the digital boundary may need to be revised. In order for a change to be made, please provide information as to what portion of Section 12 is included in the irrigation district's service area. The City of Lewiston service area boundary encompasses most of Section 12. Does the irrigation district boundary overlap with the city's boundary? Please provide more information in that regard. Water right number 85-2049 is for irrigation and municipal use and can be used anywhere within the district's service area, including that portion of the service area currently described in Section 12 of Township 35 North, Range 6 West. Does the irrigation use overlap the entire City of Lewiston municipal use?

Thank you for your cooperation.

Very Truly Yours,

CHRIS M. BROMLEY
Deputy Attorney General for IDWR

CMB/bh

cc: SRBA Court, Special Master Theodore Booth