



State of Idaho

DEPARTMENT OF WATER RESOURCES

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Director

August 31, 2007

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RESPONSE DEADLINE
September 21, 2007

RE: Accomplished change in place of use (POU) for Snake River Basin Adjudication (SRBA)
22-13663 – 2nd letter

Dear Claimants:

I received the SRBA claim mentioned above for review in July and wrote you at that time. As of this date, I have received no response.

I saw from the comments in the claim that it represents a combined portion of existing water rights 22-210 and 22-533. I notice in claim 22-13663 you claim Township 6N, Range 44E, Section 25 SE1/4 of the NE1/4 as part of the place of use (POU). I have made a review of the legal descriptions for 22-210 and 22-533 and cannot find the SE1/4 of the NE1/4 mentioned in either description. It could be you are trying to claim an accomplished change in place of use (POU) pursuant to Section 42-1425, Idaho Code. At the moment, because you are claiming a different POU than originally decreed, without evidence of an accomplished change in place of use, we can only recommend the acres that match both with the decreed POU and the claimed POU.

Several questions come to mind. Are you attempting to claim an accomplished change in place of use? If so, what is the history of this change? When did it happen? To recommend an accomplished change in POU, we need evidence of when the change took place. Evidence generally submitted to support an accomplished transfer has taken place is in the form of an affidavit stating that the intent of the historical practice was to do so. However, other forms of evidence can be submitted. I have enclosed a map of your claimed place of use. Please outline the irrigated fields and show the paths of any ditch(es) applicable to this claim.

PLEASE NOTE: If no response is received by the date shown above, we will recommend the claim be disallowed to the SRBA Court. Please feel free to contact me at (208) 287-4907 with any questions.

Respectfully submitted,

Monica P. Van Bussum
Sr. Water Resource Agent
Adjudication Bureau