

October 26, 2007

Monica P. Van Bussum
Sr. Water Resource Agent
Adjudication Bureau
Department of Water Resources
322 East Front Street
PO Box 83720
Boise, ID 83720-0098

RECEIVED

OCT 31 2007

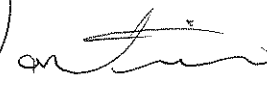
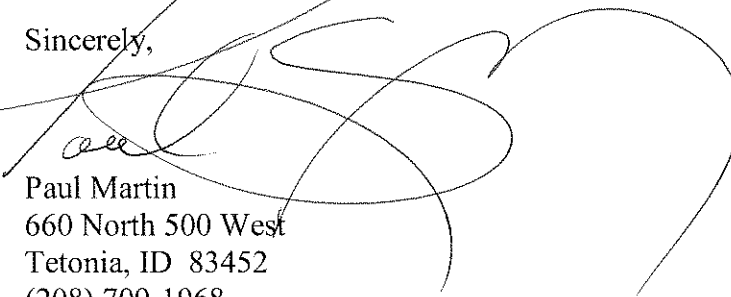
DEPARTMENT OF
WATER RESOURCES

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

Dear Monica,

This letter is in reference to the letter sent to Max Palmer this summer regarding Township 6N Range 44E Section 25 SE1/4 of the NE1/4. There has been water there since I have been there, which is 1972, and has been used for irrigation of farm ground, which was owned prior to Max Palmer by Summers Farm and Ranch. I have irrigated the fields at this location for both Summers Farm and Ranch and Max Palmer. If any other problems please contact me.

Sincerely,



Paul Martin
660 North 500 West
Tetonia, ID 83452
(208) 709-1968



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.
Director

August 31, 2007

MAX S PALMER
RANEE K PALMER
1496 N 7TH E
SUGAR CITY ID 83448

RESPONSE DEADLINE
September 21, 2007

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OCT 31 2007

DEPARTMENT OF
WATER RESOURCES

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

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