



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

May 7, 2008

Mr. David Nelson  
5688 Chilly Rd.  
MacKay, ID 83251

Re: Snake River Basin Adjudication Late Claim in Basin 34  
Subcase No. 34-633

Dear Mr. Nelson:

This letter is to notify you of a late claim to a water right in which you might be interested. This letter is being sent to you because the records of the Idaho Department of Water Resources ("IDWR") show that you are the owner of a water right from Congdon Springs or Congdon Springs Creek.

On May 23, 2007, the John Lezamiz Family Partnership ("Partnership") filed a *Motion to File Late Notice of Claim* for water right number 34-2418 with the Snake River Basin Adjudication ("SRBA") District Court. The Partnership claims 1.18 cfs from groundwater. See attached map for the location of the place of use.

A hearing on the Partnership's motion was held before Special Master Brigitte Bilyeu on October 10, 2007. Special Master Bilyeu recommended that the motion to file late claim be granted, but the Special Master also requested that IDWR provide notice of the director's recommendation to water users with water rights from Congdon Springs, as the water right may affect water rights from Congdon Springs.

On March 21, 2008, IDWR issued its recommendation for water right 34-2418. IDWR recommended that the water right be disallowed as this water right was originally developed as a supplemental water right. It is IDWR's position that allowing this water right to become the primary water right for this property would result in an enlargement of the water right. The Lezamiz Family Trust has filed an objection to IDWR's recommendation and is seeking to have IDWR's recommendation overturned.

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This letter has been sent to you in response to Special Master Bilyeu's request that IDWR notify Congdon Springs water right holder of IDWR's recommendation. If you would like to participate in this case, you must file a response with the SRBA District Court no later than September 2, 2008. See the SRBA District Court website at <http://www.srba.state.id.us/> for more information about filing a response. You only need to file a response if you wish to participate in the legal proceeding regarding this water right. If you do not want to participate in the legal proceeding for this water right, you do not have to do anything.

You can find a copy of the Partnership's claim, as well as additional information related to the water right, at IDWR's website:

<http://www.idwr.idaho.gov/apps/ExtSearch/RelatedDocs.asp?Basin=34&Sequence=2418&SplitSuffix=>

If you have any questions regarding this water right, please contact Carter Fritschle, with the Idaho Department of Water Resources, at (208) 287-4800.

Sincerely,

A handwritten signature in black ink, appearing to read 'G. Baxter'.

Garrick Baxter  
Deputy Attorney General  
Idaho Department of Water Resources