

Van Bussum, Monica

From: Van Bussum, Monica
Sent: Wednesday, June 11, 2008 2:11 PM
To: 'David Barber (david.barber@ag.idaho.gov)'
Subject: IDL objection to SRBA claim 67-7598

Hi David,

I am contacting you in regards to the above-mentioned Snake River Basin Adjudication objection because I think it might be easily resolved. IDL objected to the place of use (POU) and point of diversion (POD) on the recommendation, saying they were on State of Idaho land. They were indeed recommended on state land in T19N R01E Sec 30 SESW, which is where they were originally licensed. I was looking through the file and realized the claimants filed a transfer to move the POU and POD north to the mill. The transfer says the legal description on the license is in error and the POD and POU were never in SESW but were in SENW. SENW is not State of Idaho land, but is where the mill is located. I conducted a field exam on the property yesterday and confirmed the well is in SENW, putting both the POD and the POU in SENW.

The transfer was filed relatively recently and is nearing approval. Because of this, I would like to add a remark to the recommendation and let the transfer actually correct the legal description. I asked the claimants if we could add a remark stating, "Place of use does not include lands owned by the State of Idaho." They agreed and said they don't want anything to do with State of Idaho lands and just want the legal description of the water right corrected, which the transfer will do later. I have a signed SF5 from them that I would like to send to you for signature if you feel comfortable with this resolution.

Please feel free to contact me with any questions or concerns and, of course, let me know if this resolution is acceptable. Thanks!

Monica

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