



State of Idaho

DEPARTMENT OF WATER RESOURCES

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C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

June 23, 2008

DONEL PARKER
1430 MANN CREEK RD
WEISER ID 83672

RE: Recommendation for Snake River Basin Adjudication (SRBA) claim 67-14672

Dear Mr. Parker,

My name is Craig L. Saxton from the Idaho Department of Water Resources. I received a call from Mr. Wayne Williamson in early June. He told me that he had spoke with you about some concerns you had with your water right. I believe he was calling me, basically, on your behalf, to learn more about why your water right was recommended the way it was. I did discuss your recommendation with Mr. Williamson because I did not feel that any of the information we spoke about would be considered anything other than public information.

Mr. Williamson stated that there was a question as to why the recommendation submitted to the SRBA court by the Idaho Department of Water Resources (IDWR) was for less acreage than originally claimed. Because I did not make the recommendation, I am not 100% sure why it was recommended the way it was, but my research indicates that there might have been an error in the recommendation.

Background:

You filed your claim on October 18, 1989. On your claim, you stated that you were claiming a portion of an old water right: 67-2078. When reviewing your claim to a water right, we determined that 67-2078 was an old licensed that was superseded by the Mann Creek Decree (Jefferson v. Higgenbothom). So basically that means that license 67-2078 was no longer a valid water right and was replaced by a water right described in the Mann Creek Decree.

When the IDWR agent was reviewing your file, he determined that the water right from the Mann Creek Decree that was actually applicable to your property was 67-628. In short, the IDWR agent recommended to the court that your water right was a piece of 67-628.

Analysis:

My analysis indicates that the water right that should have been recommended to your property is 67-521 rather than 67-628.

The reasons for this are outlined below:

- 67-628 does not include the place of use claimed (your property).
- 67-521 is an unclaimed right applicable to the claimed place of use (your property)
- You originally claimed 9.5 acres and 67-521 was decreed for about 10 acres.
- The claimed POD is the same as that decreed for 67-521.
- 67-628 appears to have been recommended in full to Wayne Williamson under water right 67-10384

*Filing an objection to stop the current recommendation from being decreed, and then amending your claim to claim the priority date for 67-521 (6-1-1874), would not only allow me the opportunity to change the recommended acreage from 6.6 to the 9.5 claimed, but would allow me to recommend an earlier priority date which would be to your benefit.

Action:

In order to be able to make any changes on your recommendation, you need to file an objection to your water right recommendation with the SRBA court. For your convenience, I am enclosing an objection form and instructions. Complete the form and mail copies to all the applicable parties.

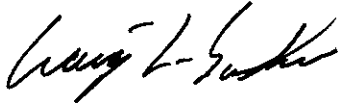
When the court receives the objection, I will get sent copies of the objection and at that time, I will contact you regarding the next steps that need to be taken.

Mr. Williamson mentioned that there might be some apprehension with dealing with the SRBA court. At this time, as long as we agree on the changes and there are no outside objections, we can take care of this without ever having to talk to the court.

I know this is a lot of information. I apologize for being so late at sending you this letter and information, but if you want to object, I recommend you do so soon. The court is issuing partial decrees for water right recommendations that have not been objected to. When a partial decree is issued, it is really hard to make changes to that water right. You really need to file that objection ASAP so your water right isn't partially decreed.

Take a look at the enclosed objection form and call me if you have any questions.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Craig L. Saxton". The signature is fluid and cursive, with the first name "Craig" being more prominent.

Craig L. Saxton
Water Right Supervisor
Adjudication Bureau

Enclosure(s) Motion to file a late Objection

Cc: WAYNE WILLIAMSON
1691 THOUSAND SPRINGS
WEISER ID 83672