



From The Desk of J. D. Spain

December 8, 2006

Idaho Department of Water Resources
PO Box 83720
Boise, Idaho 83720-0098

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Dear Mr. Tuthill,

We are submitting this letter in addition to the Notice of Error Reply Forms IDWR recently provided to us, with a December 13, 2006 filing deadline, to provide additional justification as to why we possibly disagree or contest the preliminary IDWR recommendation(s) for water rights #75 -10061AK, #75 - 63C, #75 - 10062AJ, and #75 - 10827.

It is our understanding that three of these water rights are “**decreed rights**” i.e (#75 -10061AK, #75 - 63C, and #75 - 10062AJ), with #75-10827 being an additional “**beneficial right**”, and all date back to the original adjudication on Carmen Creek that occurred from 1875 to 1915.

It appears the IDWR has recommended reducing our three recorded “**decreed water rights**” (#75 -10061AK, #75 - 63C, and #75 - 10062AJ), from a total of 0.053 cfs for the three rights, or .014 cfs per acre for the three rights, to:

.041 cfs total, or 0.011 cfs per acre

An overall reduction of .012 cfs for our combined three recorded “decreed water rights”.

The IDWR has also recommended that our original total irrigatable acres of 3.6 acres, be increased by 1/10th to 3.7 total irrigatable acres for these “decreed water rights”.

Our “beneficial water right”, (#75 – 10827), has been increased from a total of .017 cfs, or .004 cfs per acre, to:

.070 total cfs, or .018 cfs per acre

The IDWR has also recommended that our original total irrigatable acres of 3.6 acres, be increased by 1/10th to 3.7 total irrigatable acres for this “beneficial water right”.

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Our concerns fall into these areas:

We would like to possibly contest our “decreed water rights” being reduced, and request the decreed amount of cfs be maintained in full, as stated on our original decrees.

This is based on information originally obtained from IDWR that only our “decreed water rights”, “*are of ~~the~~ importance to our irrigation needs.*” We were advised the “beneficial rights” were “*next to worthless*”. This information was relayed by IDWR employee, Roxanne Brown.

If this is correct information we are very adamant about maintaining our original “decreed water rights” at their original decreed total/individual cfs decrees. These rights total:

.053 cfs for the three rights, or .014 cfs per acre

If this is not the case, then our total recommended cfs for our three “decreed water rights”, plus our additional “beneficial water right” which is listed at:

0.111 total cfs, or 0.03 cfs per acre

- **would be adequate and fair, if it would maintain our “standard of allotted cfs” under our original paperwork filed with IDWR.**

We are "new" to Idaho, and "new" to this entire process, we are confident that IDWR will assist us in maintaining our rights as outlined in our properties original water right decrees, both "decreed" and "beneficial" decrees.

Sincerely,



Jim and Geri Spain

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