

Saxton, Craig

From: Saxton, Craig
Sent: Friday, July 11, 2008 9:23 AM
To: 'rewilliams@cableone.net'
Cc: Van Bussum, Monica
Subject: Late Notice of Claim 37-22326 - 4 Bros. Dairy Inc
Attachments: 7-9-2008 Letter.PDF

Tracking: **Recipient** **Recall**
 'rewilliams@cableone.net'
 Van Bussum, Monica Failed: 7/11/2008 10:02 AM

Dear Mr. Williams,

On July 9, 2007, Sr. Water Resource Agent Monica Van Bussum sent you a letter informing you that late claim 37-22326 included in the Motion to File a Late notice of Claim was incomplete. I do not know if you have received that letter, but I have attached a scanned copy for your convenience.

I am in agreement with Ms. Van Bussum's analysis of the claim and that additional information is needed to process the claim. However, after reviewing it a little further, I found another issue I wanted to bring to your attention.

On the initial claim, I see your client claims 1000 head of Dairy Cattle with a diversion rate of 0.02 cfs and diversion volume of 14.6 af. The motion indicates that the filing fee that was paid was \$100.

The claimed diversion rate and diversion volume would indicate that the intent was to claim a de minimus claim (deferrable) in which the water use does not exceed 13,000 thousand gallons per day. If this is the case, as of July 1, 2008, the filing fee for a de minimus claim is \$25.00.

However, 1000 head of Dairy Cattle generally use more than 13,000 gallons per day. Any more than about 300-400 dairy cattle will use more than 13,000 gallons per day and will require a non-de minimus (non deferrable) water right along with evidence of priority supporting the priority date claimed. If your clients intent is to use more than 13,000 gpd, the filing fee for this claim as of July 1, 2008 would be \$102.00 (\$50 claim fee, \$50 late fee, \$2 variable fee [= \$100 per cfs] [0.02 cfs])

My hope is by bringing this to your attention, when you resubmit the motion to file a late claim, you could perhaps clarify if the claim is intended to be for an exempt use or not, either by filing fee or by maybe adding something in the remarks explaining if the intent is to use more or less than 13k gallons per day.

Please feel free to contact me if you have questions.

Respectfully submitted,

Craig L. Saxton
 Water Right Supervisor
 Adjudication Bureau
 208-287-4916
craig.saxton@idwr.idaho.gov

*Monica already asked him about
 this. It was meant to be
 a de minimus claim
 C-Saxton*

7-15-08

7/15/2008