



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

September 11, 2006

Chris Barney
Doris Barney
3660 McDonald Rd.
Wapota, WA 98951

Re: SRBA Claim No. 24-10727

Dear Mr. & Ms. Barney:

I am a Deputy Attorney General who represents the Idaho Dept. of Water Resources (IDWR) in the Snake River Basin Adjudication (SRBA). IDWR's records indicate that you have filed the above-listed water right claim in the SRBA.

The claim is evidenced by a Water Right Certificate issued by the State of Wyoming. IDWR considers such rights to be Wyoming water rights because the point of diversion of the water is in Wyoming, even though the right may be used in whole or in part in Idaho. However, the SRBA District Court has determined that such rights may be claimed—but do not have to be claimed—in the SRBA. If the owner of a Wyoming right that is used in whole or in part in Idaho files a claim in the SRBA, IDWR will investigate the claim and recommend to the SRBA Court how it ought to be decreed.

In conducting its investigation of your claim, IDWR has discovered discrepancies between how your right appears actually to be used in Idaho and how your Wyoming Certificate says the right is used. The discrepancy may be either that you appear to be irrigating more or different acres than are listed on your Wyoming Certificate, or that from the legal description provided on the Certificate, IDWR cannot determine which acres the Certificate entitles you to irrigate. Because IDWR considers the right to be a Wyoming water right, it likely cannot recommend the right differently from how the right is recorded on the Wyoming Certificate, even if the right is presently being used differently, without the concurrence of the Wyoming State Engineer's Office.

Due to the discrepancies that have been found between the use of the water and the Wyoming Certificate, the Preliminary Director's Report on the above referenced

claim will not be sent at the same time as the other Basin 24 claims. There is a meeting scheduled between the Wyoming State Engineer's Office and IDWR to try to determine how to resolve discrepancies such as IDWR has found with your right. Following that meeting, you will either be contacted by IDWR for additional information, or a Preliminary Recommendation of your right will be issued, after which time you will have an opportunity to meet with IDWR to resolve any problems with the recommendation before a Final Recommendation is sent to the SRBA Court. Also, there is a Public Meeting for Basin 24 scheduled for September 28, 2006, beginning at 2:30 p.m. at the Thayne Senior Center in Thayne, Wyoming. Although a preliminary recommendation for your water right will not be completed at that time, if you would like to get a better understanding of how the SRBA works, you are invited to attend.

To learn more about the exact nature of the discrepancies IDWR has found between your actual use in Idaho and your Wyoming Certificate you may contact Cindy Bird at IDWR's Soda Springs office, 15 W. Center Street, Soda Springs, ID 83276, telephone number (208) 547-3993.

Very truly yours,

A handwritten signature in black ink, appearing to read "Nick Spencer", with a long horizontal stroke extending to the right.

NICHOLAS B. SPENCER
Deputy Attorney General

Cc: Cindy Bird
Ernie Carlsen
Jade Henderson