



THE STATE

OF WYOMING

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GOVERNOR

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WATER DIVISION II
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WATER DIVISION III
JADE HENDERSON, SUPERINTENDENT
WATER DIVISION IV

26 October 2006

Chris & Doris Barney
3860 McDonald Rd
Wapato, WA 98951

Re: Idaho lands under Wyoming water rights
in Freedom Canal

Dear Mr. & Mrs. Barney:

Working closely with Idaho along our shared border, your water right claim for Idaho lands in their Snake River Basin Adjudication comes to our attention. We are writing to let you know the Freedom Canal already has Wyoming water rights adjudicated for irrigation & stock use in Idaho, as a Wyoming diversion from Salt River. This is also true of the nearby Kirkbride Ditch.

In contrast to other areas where an existing interstate decree or compact already designates otherwise, both states agree that the state in which the canal diverts from the natural stream is the state which has jurisdiction to permit, adjudicate, and administer the water right for that diversion (regardless of which state the artificial conveyance and water's use attaches to).

Because your right to natural flow originates from and is recorded by Wyoming, your Idaho claim is an unnecessary duplication that can mislead you and others to expect that your usage on Idaho land should be subject to Idaho priorities and regulation. Wyoming therefore encourages you to withdraw your Idaho claim.

If you have questions about whether your full use in Idaho is covered by a Wyoming adjudication, please send me a copy of the legal land description on your deed so we can do a water right search of Wyoming State Engineer's Office records for that land. We can also provide copies, and can explain other procedures such as how to file for an expanded Wyoming water right to unpermitted lands or additional uses.

Both states will appreciate your attention to this matter, and your thoughtful withdrawal of the Idaho claim.

Best regards,

Jade Henderson
Wyoming Water Superintendent

copies: Ed Bruce, Water Commissioner
Kevin Wilde, Lead Hydrographer
Idaho Department of Water Resources

SCANNED
FEB 27 2009

Proof No. 2871

Certificate Record No. 64 Page 218

through the Idaho P.W. Treadwell Canal.....Stands under Permit No. 1433 Del. for about one and
.....for irrigation of the lands herein described, lying and being in Carbon County, Idaho.....resembling.....

Name of Appropriator	Ivan Nelson	Postoffice Address	Freedom	Wyoming

Amount of Appropriation.....	0.00	per sec.; Description of land to be irrigated and for which this appropriation is determined and established;
	0.00	

The right to water hereby confirmed and established is limited to irrigation and stock uses and the use is restricted to the place where acquired and to the purpose for which acquired; rights for irrigation not to exceed one cubic foot of water per second for each acre and rights for stock uses not to exceed five gallons of water per head per day. The right to water so confirmed and established shall not be subject to forfeiture or termination by nonuse for more than two consecutive years. If there is surplus water in the stream as provided by Sections 71-216 to 71-224, Wyoming Compiled Statutes, 1945.

President,