



## State of Idaho

# DEPARTMENT OF WATER RESOURCES

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C. L. "BUTCH" OTTER  
Governor

DAVID R. TUTHILL, JR.  
Director

April 23, 2009

DAVID R ELLIS  
JEANNE ELLIS  
159 PAHSIMEROI RD  
ELLIS ID 83253

RE: Objection to Snake River Basin Adjudication (SRBA) claim 73-4089

Dear Mr. and Ms. Ellis,

The Idaho Department of Water Resources (IDWR) received a copy of the objection to the recommendation for 73-4089.

The objection requests that the recommendation reflect a total diversion rate of 1.5 cfs or 75 inches. My initial review indicates that the amended claim submitted to IDWR on November 26, 2008 appears to have changed the claimed priority date from May 1, 1902 to April 1, 1875 as well as changed the claimed diversion rate from 1.5 cfs to 1.0 cfs.

In order to pursue the 1.5 cfs, you are going to need to amend the claim back to claiming 1.5 cfs. It appears that when the amended claim was prepared for you to sign in November of 2008, the diversion rate on the claim reflected what had been recommended to the court.

For your convenience, I am attaching an amended claim with the diversion rate claiming 1.5 cfs. This is the only thing I changed. Please look over the claim and initial any changes you wish to make. When satisfied, sign the claim and return it to this office in the postage paid envelope provided.

Please note that amending the claim to represent 1.5 cfs is not an indication that the department can support recommending 1.5 cfs under water right 73-4089.

I am sorry for the inconvenience.

Respectfully submitted,

Craig L. Saxton  
Water Right Supervisor  
Adjudication Bureau

Enclosure(s): Amended claim 73-4089  
Postage paid envelope  
Copy of Amended claim submitted in November 2008