



State of Idaho

DEPARTMENT OF WATER RESOURCES

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C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

July 24, 2009

LARRY D WHITTIER
HC 62 BOX 2161
MAY ID 83253

RE: Amendment of Snake River Basin Adjudication (SRBA) claims 73-167 and 73-2058

Dear Mr. Whittier,

After our conversation on July 24, 2009, I looked into how we might go about cleaning up the recommendations.

In our conversation I mentioned that one of the first things you would need to do is amend claim 73-167 to claim acreage in the SWNW and SWNE of section 21, T12N, R24E.

I also mentioned that from what you were telling me, it appeared that we had the recommended place of use for 73-10003 incorrect as well and that you would need to file an objection to 73-10003. The good news is you don't need to file an objection to 73-10003. We can make changes on that without a specific objection to it because it overlaps 73-167 which you did object to.

However, you are going to still need to amend claim 73-167. In addition, if you comeingle water from 73-2058, you might want to amend that claim too so IDWR can recommend a permissible place of use for your water rights.

I have enclosed amended claims for 73-167 and 73-2058 along with a map. On the amended claims, I have highlighted in yellow things I have added, and ~~crossed-out~~ things that will be removed. Take a look at the amended claims and the map.

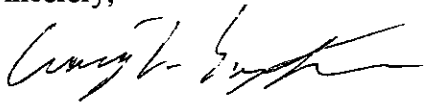
The way these claims are drawn up is so you can use the 160 acres of water right 73-167 anywhere within the 179.3 acre place of use. In addition you can use the 66 acres of water right under 73-2058 anywhere within that 179.3 acre place of use. In addition, we would change the recommendation for 73-10003 to reflect that same 179.3 acres in section 24 as well.

If the place of use outlined in yellow on the maps looks like what is irrigated and you agree that is how you want to claim the water right, sign the claims and return them to me in the postage free envelope enclosed. *Note: Feel free to make any changes on the claim you feel necessary. Just make sure to initial next to the changes.*

If the acreage is still wrong, then we could do a couple of things. You could draw in the correct place of use on the map and mail that into me so I can get stuff prepared before the hearing, or we can just wait and talk through it at the hearing. I am just trying to get through as many steps as we can due to the limited time we have at the hearing. Once I get the amended claims, I can start preparing amended recommendations.

As always, please feel free to contact me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Craig L. Saxton", with a stylized flourish at the end.

Craig L. Saxton
Water Right Supervisor
Adjudication Bureau
208.287.4916

Enclosures: Amended claim 73-167
Amended claim 73-2058
Place of use map for 73-167 and 73-2058