



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

March 10, 2010

CURT R THOMSEN
PO BOX 600
CHALLIS ID 83226

RE: Snake River Basin Adjudication (SRBA) Subcase 73-12037
Your Client(s): Robert and Dawn Sullivan, Garney and Victoria Hall

Dear Mr. Thomsen,

I am responding to your letter dated January 14, 2010. Thank you for getting me that information for review so quickly. I apologize that it has taken me so long to get back to you.

I have reviewed the information you submitted and feel that there is enough evidence to support that additional acreage was historically irrigated under this water right.

For your review, I am enclosing a DRAFT revised recommendation along with a map outlining the proposed amended place of use.

In your January 14, 2010 letter, you asked if I could explain why the Department can only support a diversion rate of 4.6 cfs. In short, the additional 1.8 cfs claimed above the 4.6 cfs that was recommended, is claimed to be from a decreed right 73-24 described in Maelzer v. Smith adjudicated in 1921. This water right was not decreed to your client's property and IDWR does not have evidence showing it was transferred from the decreed place of use to your clients ground. For your convenience I have enclosed a letter dated December 6, 2006, where Donald Shaff addresses this issue with Mr. Sullivan. Perhaps that letter will help explain the Departments stance.

Please look over the information enclosed. If your clients agree with the revised recommendation, we can circulate settlement documents for signature. As always, please feel free to contact me with any questions.

Sincerely,

Craig L. Saxton
Water Right Supervisor
Adjudication Bureau
craig.saxton@idwr.idaho.gov

Enclosure(s)