



State of Idaho

DEPARTMENT OF WATER RESOURCES

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C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

May 27, 2010

KEVIN KELLER
PO BOX 36
CARMEN ID 83462

RE: Filing for exchange water on Carmen Creek, SRBA claim 75-14635

Dear Mr. Keller,

We have recently been reviewing your Motion to File Late Notice of Claim 75-14635 for exchange water in the Carmen Creek drainage. Most properties have two exchange water rights, one with an 1875 priority date and another with an 1882 priority date. It appears you have only filed one claim on Carmen Creek exchange water, for the 1882 priority date. You may want to think about filing an additional claim for Carmen Creek exchange water duplicating the elements of the 1882 claim but claiming the 1875 priority date.

One other thing I noticed with your claim is that you filed for all of the 1882 exchange water right that would have been appurtenant to the old Igou property. It appears the old Igou property encompassed your current property and also that of Wolfley. Therefore, part of the original decreed rights and the exchange rights would have been appurtenant to your property and that of Wolfley. The Wolfleys have not yet filed on exchange water rights but I anticipate they might and, given further review, IDWR would probably recommend the exchange water be proportionally split between your property and Wolfley.

I realize the exchange water can be confusing and this is a lot of information to process at once, so please feel free to call me at (208) 287-4907 or email me at Monica.VanBussum@idwr.idaho.gov if you have any questions.

Sincerely,

Monica Van Bussum
Sr. Water Resource Agent