

BEFORE THE DEPARTMENT WATER RESOURCES
OF THE STATE OF IDAHO

**IN THE MATTER OF NOTICE OF
ENLARGEMENT OF WATER RIGHT
CLAIM NO. 74-15911 (Tracy)**

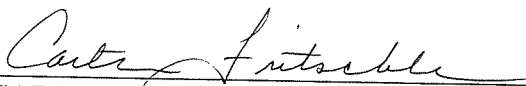
RESPONSE TO PETITION

This matter came before the Idaho Department of Water Resources ("Department") in the form of a Petition for Assertion of Injury, Basis of Recommendation, Reconsideration, and Request for Hearing ("Petition") filed by John Alfred Simpson ("Petitioner"). The Petition concerns a notice of enlargement, published pursuant to I.C. § 42-1426(3) for a recommendation of water right no. 74-15911, in the Snake River Basin Adjudication ("SRBA").

Idaho Code § 42-1426(3) provides that a person who filed an application for a water right or had been issued a permit for a water right, prior to April 12, 1994, and had not filed a claim in the SRBA, could assert injury by an enlargement recommended in the SRBA. Such assertion should be made by petition to the Department. Petitioner does not meet the criteria outlined in I.C. § 42-1426(3) as he did not file an application for a water right prior to April 12, 1994 and his predecessor in interest filed a claim in the SRBA in 1990. Significantly, the Petitioner is also already an objector to subcase 74-15911 in the SRBA.

Since the Petitioner does not meet the criteria of I.C. § 42-1426(3) the Department is without authority to address his assertion of injury. Further, since the Petitioner is already a party to subcase 74-15911, his concerns are already being addressed by the SRBA Court and will have the opportunity for hearing in that proceeding. Any claimed injury should be brought before the SRBA Court.

Dated this 30th day of December, 2014.


CARTER FRITSCHLE
Adjudication Section Manager

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 30th day of December, 2014, I mailed a true and correct copy of the foregoing document, postage pre-paid, to the following:

1. Copies to Parties of SRBA Subcase:

John Alfred Simpson
774 Lemhi Road
Salmon, ID 83467

Chris Bromley
380 S. 4th Street, Ste. 103
Boise, ID 83702

2. Courtesy copies to:

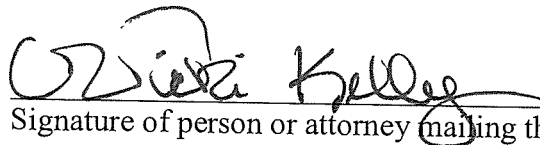
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

Jerry Elzinga, Watermaster
Water District 74-C
700 Monroe St.
Salmon, ID 83467

Senator Steven P. Thayn
District 8, Emmett
5655 Hillview Road
Emmett, ID 83617

Representative Merrill Beyeler
District 8, Leadore
House Seat B
P.O. Box 62, Box 62
Leadore, ID 83464

Mike Kossler, Secretary
Water District 74-C
446 Bohannon Creek Road
Salmon, ID 83467


Signature of person or attorney mailing the form