



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region • 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

July 5, 2018

LELAND AND JERLEEN KELLY
HC66 BOX 6640
MCCALL ID 83638

DARIUS AND BETSY SEMMENS
30487 LEWIS RIDGE RD
EVERGREEN CO 80439-8725

DAVID M HARTUNG
5550 S CAPER PL
BOISE ID 83716

CROSS FAMILY TRUST
5405 CUSTER RD
NEW PLYMOUTH ID 83655

RE: Update to water right record (location of the point of diversion)

Dear water user,

The Idaho Department of Water Resources ("Department") is sending this letter to the four parties listed above because it believes they are owners of water rights that have historically diverted from a common system located on land owned by Tom Roberts. Our understanding is that the point of diversion has or will be moved approximately 300 feet downstream to a point near the road crossing. The purpose of this letter is to inform you that the Department intends to update its records to reflect the change in diversion location. You do not need to respond to this letter unless you intend to continue using the existing diversion structure on Mr. Robert's land. If that is the case, please contact the Department and we will adjust our records accordingly. A more detailed description and the basis for this activity is included below.

On June 25, 2018 the Department held a prehearing conference in the matter of Leland and Jerleen Kelly's protested application for permit no. 77-14364. Mr. Roberts protested the application on the basis of legal access to the proposed point of diversion. To resolve the protest, the applicants agreed to move the point of diversion for the proposed project and their existing water right to a location off the protestant's property.

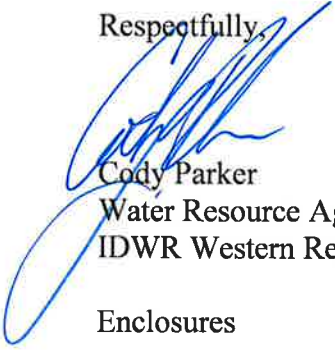
The four parties receiving this letter each hold a water right (reports enclosed) that used the diversion on Mr. Robert's property. It is our understanding that the existing diversion works has been removed. The Kelly's represented to the Department that all four parties intend to use the new point of diversion at the location proposed by the Kelly's (see enclosed map).

If you agree to the proposed change no action is required on your part. The Department will update its database to reflect a diversion from the new location. However, if you are opposed to the change, please contact the Department in writing within thirty (30) days of the date of this letter.

Kelly, Semmens, Hartung, and Cross
July 5, 2018
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Please let me know if you have any questions regarding the content of this letter. You may reach me by phone at 208-334-2190 or by e-mail at cody.parker@idwr.idaho.gov. Thank you for your time and for your attention to these matters.

Respectfully,



Cody Parker
Water Resource Agent
IDWR Western Region

Enclosures

cc: Tom Roberts