



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 • Website: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

C.L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Director

February 2, 2016

BARBARA ELLIS  
DELWYN V ELLIS  
904 W 200 N  
BLACKFOOT ID 83221

RE: Water Right License 35-8586

Dear Mr. and Mrs. Ellis:

In 1995, during the Snake River Basin Adjudication (SRBA), IDWR issued Water Right License 35-8586 to you. I have enclosed a copy of the license for you to review. As approval condition no. 8 makes clear, the license provides authorization for the same water use you claimed in the SRBA in Claim 35-4260. In 2002 the SRBA court issued a partial decree confirming a water right pursuant to Claim 35-4260. Therefore, there are now two water right records for the same water use. The license has a priority date of June 12, 1985, whereas Right 35-4260 has a priority date of April 1, 1960. Because Right 35-4260 has the better priority, condition no. 8 on the license stated that License 35-8586 would be revoked to eliminate the duplication.

The statutory process for revoking a license requires IDWR to issue a show cause order and provide you an opportunity for a hearing before taking any final action. The purpose of this letter is to inform you that IDWR intends to issue a show cause order in 30 days. However, if you concur that License 35-8586 duplicates Right 35-4260 and is, therefore, of no value, you may avoid the statutory process by completing the enclosed *Notice of Abandonment of a Water Right* and returning it to IDWR within 30 days.

Because they may help inform your decision, I have also enclosed copies of the partial decrees for Rights 35-4260 and 35-2684C and a map showing the land irrigated by these rights.

If you have any questions, please call me at 208-287-4947, or email me at [shelley.keen@idwr.idaho.gov](mailto:shelley.keen@idwr.idaho.gov).

Sincerely,

Shelley W. Keen, Manager  
Water Rights Section

Enclosures

cc: Water District 120