

Hemenway, Sandy

From: Hemenway, Sandy
Sent: Monday, March 05, 2012 12:04 PM
To: Dana Hofstetter
Cc: Saxton, Craig; Hemenway, Sandy
Subject: RE: 65-22948Petition for Reconsideration, APPROVED
Attachments: DOC003.pdf

Dana,

Background:

- (1) The map designating the points of diversion and place of use sent out with the original license, **did not change**, only the legal designation of the SENE quarter-quarter was not included on the amendment and original license issued (which was added with the Amended Application for Amendment).
- (2) On the map, it states the following: "This map depicts the STOCKWATER place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes."
- (3) The map designates the portion of the unnamed ditch from which stock can drink from the drain (designated by POU in the legend in the lower left corner of the map, and **outlined in yellow on the map**).
- (4) The map designates the points of diversion (the check structures) with a **yellow circle with a black dot in the center**.

With the information above, the place of use (the unnamed drain where the stock drink), and points of diversion (check structures) can be determined. For this reason, no additional clarifying language for the points of diversion is required.

Thanks,

Sandy

From: Dana Hofstetter [<mailto:Dana@IdahoWaterLaw.com>]
Sent: Monday, March 05, 2012 11:23 AM
To: Hemenway, Sandy
Subject: Re: 65-22948Petition for Reconsideration, APPROVED

Sandy:

Thank you very much - I will follow up on this. I was also wondering whether it might be a good idea to add some language clarifying that the points of diversion represent the locations where there are checks in the drain, but that the stock may drink from the drain anywhere designated in the place of use. This is a little confusing since with an instream stock water right the place of use usually coincides with the locations of the points of diversion (where the stock drink) and here there is a difference. What do you think about the need for adding this clarification?

Thank you,
Dana

On 3/5/2012 11:05 AM, Hemenway, Sandy wrote:

Dana,

Please find attached a copy of the letter sent to the Colwell's in reference to the addition of SE1/4NE14 of Section 8, Township 8 North, Range 5 West, also an Amended Application for Amendment. If you and the Colwell's concur with the information presented, they will need to sign and return the form within 14 days, before the amended License can be issued.

A hard copy is being sent for your files.

<<DOC002.pdf>>

Thanks,

Sandy Hemenway

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