



State of Idaho

DEPARTMENT OF WATER RESOURCES

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January 6, 2011

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

JTAP LLC
BULLOCK-KING INVESTMENTS LLC
3615 PORTLAND AVE
NAMPA ID 83686

AGENBROAD NAMPA LIMITED PARTNERSHIP
PO BOX 455
GRAND VIEW ID 83624

HOWARD W MYLANDER
11600 W FLOATING FEATHER RD
STAR ID 83669

RONALD I BLICKENSTAFF
7488 LYNWOOD RD
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RE: PARTIAL DECREES FOR WATER RIGHT NOS. 63-2724B, 63-32381, 63-32382, 63-32383, 63-32384, 63-7610C, 63-7610D, 63-31395 AND 63-31396; WATER RIGHT 63-7610B (not claimed in the SRBA)

Dear Right Holders:

I apologize that this letter will seem to come from "out of the blue," so to speak. Recently, the Department of Water Resources (Department) received applications to lease water rights 63-7610D, 63-32382, 63-32383 and 63-32384 to the Water Supply Bank. The Water Supply Bank acts as a depository of sorts for water rights that are not in use so the right is protected from forfeiture. In our review of those rights for acceptance into the Bank, we had to review associated rights and found **an important component of your water right was inadvertently placed in the wrong section of the partial decree.**

To understand the error, it is important you also understand a little of the background. Water right 63-2724 was licensed in 1954 for 1.9 cubic feet per second (cfs). Water right 63-7610 was licensed later for 3.9 cfs, but contained a remark that said 63-7610 and 63-2724 were together limited to a total combined diversion rate of 3.9 cfs.

Water right 63-2724 was subsequently split into 63-2724B (Agenbroad Nampa Limited Partnership), 63-32381 (Mylander), and 63-32382, 63-32383 and 63-32384 (all JTAP and Bullock-King). Water right 63-7610 was split into 63-7610B (Briggs), 63-7610C (Mylander), 63-7610D (JTAP and Bullock-King), 63-31395 (Blickenstaff) and 63-31396 (Blickenstaff).

All of these rights were claimed and partially decreed in the Snake River Basin Adjudication (SRBA) with the remark, "All parts of original licensed Rights 63-2724 and 63-7610 when combined shall not exceed a total diversion rate of 3.90 cfs." As you see, this remark mirrors the original licensing remark that 63-

2724 and 63-7610 could not be used for more than 3.9 cfs.

There are various places remarks can appear on water rights. For example, a remark concerning a place of use for a water right will be placed in the Place Of Use section of the water right. More general remarks are placed in sections titled Explanatory or General. **The remark concerning 3.9 cfs on your water right was inadvertently placed in the Explanatory section of the right and should have been placed in the Quantity section of the right.**

Explanatory remarks do not appear on partial decrees, but it is important to note these conditions are still considered part of the water right. Having important conditions, such as the one on your water right, in the Explanatory section which does not appear on the partial decree can lead to misconceptions and misinformation, particularly when the property is subsequently sold. It is to your benefit as a right holder to have the remark in the correct section of the water right so each right holder knows how much water they should receive.

Therefore, the Department will be contacting the SRBA District Court in Twin Falls and asking the Court to correct the partial decrees for your water rights so the remark will be in the Quantity section of the water right.

I realize this is a lot of information and has the potential to be very confusing. If you have questions, please feel free to contact me at (208) 287-4907. Please note that I will be out of the office from January 6th through January 17th. In my absence, contact Carter Fritschle, Adjudication Section Manager, at (208) 287-4917.

Sincerely,



Monica Van Bussum
Sr. Water Resource Agent

Enclosure(s)

c: John Westra – IDWR Western Regional Office