



State of Idaho

DEPARTMENT OF WATER RESOURCES

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C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

September 7, 2010

DENNIS HUNZEKER
STAR RT BOX 1110
MONTPELIER, ID 83254

Dear Applicant:

The Department of Water Resources has received your statutory claim application 11-7586 and filing fee. However, we are unable to complete the processing of this claim because some of the information on the application appears to be incorrect. Purpose of this letter is to notify you of the problem and to assist you with making the correction. The problem is described below.

The two parts of claim application 11-7586 which identify the place-of-use are in conflict with each other. The application map shows the place-of-use in sections 19, 18 and in section 7. However, the grid description of the place-of-use lists acreage in use in sections 19, 18 and in section 17. Section 17 is some distance from section 7 so this may be a simple typographical error, however the map and the grid must match before processing can continue. The place-of-use of your claim should be where the historical water use occurred. The historical place-of-use may not be the same as your current place-of-use.

You have two options. Either 1)correct the map or 2)correct the Public Land Survey (PLS) grid section on your claim application.

1)If the grid is correct, then you need to correct the map because the map you supplied doesn't show any acreage identified in section 17. For your convenience, I have enclosed copies of two different maps. One map was submitted as an attachment with your statutory claim application. You should be able to see that section 7, not section 17 is directly north of section 18.

The other map was generated by the database and shows two places-of-use: a rectangle outlining several adjacent quarter-quarters in sections 18 and 19 and, a single square to the east, separated from the others. That single square represents the quarter-quarter in section 17 that you have described in question 6, the PLS grid of your claim application.

2)If the aerial photo-map showing a small triangular piece in section 7 is the correct map, then the grid description on your application needs to be corrected. The

Department is required by statute to only accept changes to a claim, by the claimant, and on a claim form.

The relevant portion of Section 42-244 of the Idaho Code states:

"Such claims may be corrected by the claimant only by filing of an amended claim in the same form as the original, which shall be recorded and numbered by the department the same as the original, and for which no additional filing fees shall be required."

To assist you with correcting the grid, I have enclosed a copy of the statutory claim as you have submitted it, and a blank page 2 of that form which you can use to make the correction. I have also enclosed a revised place-of-use grid with section 7 substituted for section 17. I created the revised place-of-use grid to match the aerial photo-map you had attached to your application. If your aerial photo-map is correct, then the revised place-of-use grid is correct. And you will need to copy it into question 6 on the blank page 2 that I provided. You will also need to re-enter all the information for question 7 and 8 into that corrected page 2, and sign and notarize your signature.

Please return the proper pair of documents to me at the address listed in the header of this letter. The matched pairs would be your old aerial photo-map and the revised grid in a corrected claim form, page 2 or your old application form and the new map created by the database. I will update the claim file paperwork and the database records to agree with whichever pair of documents you return to me.

Please feel free to contact me by phone at 208-287-4946 or by email at Michele.Edl@idwr.idaho.gov if you have any questions.

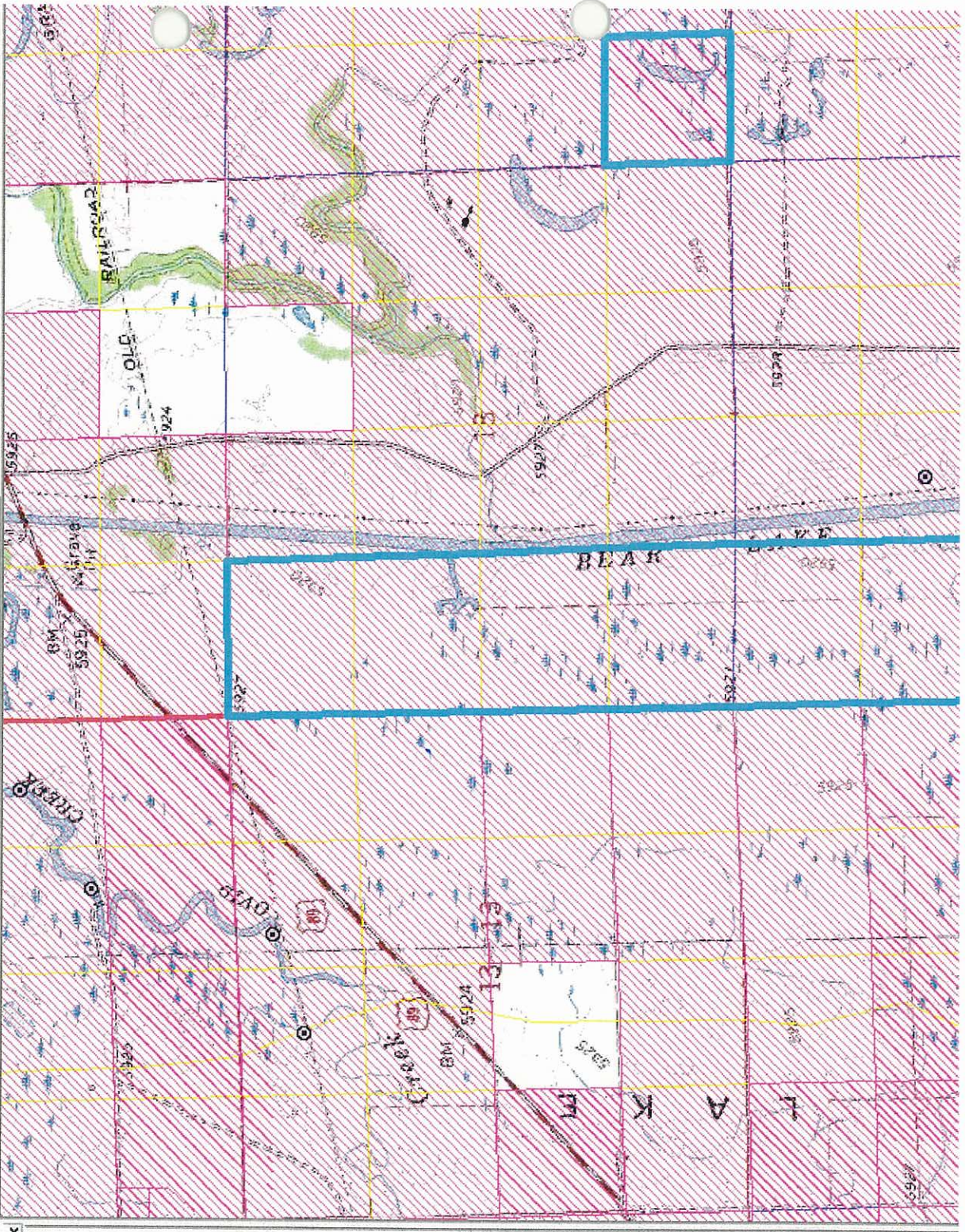
Sincerely,

A handwritten signature in cursive script, appearing to read "Michele Edl".

Michele Edl
Associate Engineer

Enclosures

CC: Eastern Region



Layers

- ☒ Right POD
- ☒ Right POU
- ☐ Taxlots
- ☒ PLS5
- ☐ Township/Range
- ☐ Sections
- ☐ QQ
- ☒ DRG
- ☐ Imagery
- ☐ 1987
- ☐ 1992 DOQQ
- ☐ 2009 1 meter
- ☐ 2006 2 meter
- ☐ 2006 1 meter
- ☒ 2004