



State of Idaho

DEPARTMENT OF WATER RESOURCES

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C.L. "BUTCH" OTTER

Governor

GARY SPACKMAN

Interim Director

December 29, 2009

A.W. &/or S. J. Anderson
PO Box 158
Albion, ID 83311

Dear Mr. and Mrs. Anderson:

A recent review of pending water right applications in our office revealed that you have an unresolved pending transfer application, # 66512, filed with the Idaho Department of Water Resources (IDWR). This transfer application was filed in September of 1995 and involved changing water rights associated with water stored in Lake Cleveland.

Note that a similar transfer application, # 66511, was filed in August of 1995 by George &/or Gwen Montgomery also involving changing water rights associated with water stored in Lake Cleveland. Both of these applications were protested and during a joint prehearing conference held in Burley, Idaho in August of 1997 it was determined that the primary item of contention regarding both of the applications related to the ownership of the water rights associated with water stored in Lake Cleveland. During the conference, it was decided that the applicants would postpone the pursuit of the applications so that the ownership issue(s) could be resolved in the Snake River Basin Adjudication (SRBA).

In early 2007, the rights to the water in Lake Cleveland were decreed in the SRBA essentially establishing the ownership of the water stored in Lake Cleveland. Examination of your SRBA decree indicates that the elements of the right (points of diversion, place of use, etc.) were decreed in a manner that reflects the information described on your transfer application, # 66512.

You may want to consider withdrawing your pending transfer application, # 66512, by submitting the enclosed form, completed with a notarized signature, to our office. If you have any questions, or if I can be of any further assistance, feel free to contact me at your convenience.

Sincerely,

Corey Skinner, PE
Water Resource Engineer

Enclosure

cc: George &/or Gwen Montgomery – w/o enclosure
Randy Stone – w/o enclosure
Norm Semanko – w/o enclosure
Kyle DeNaughel – w/o enclosure
Earl Warthen – w/o enclosure