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RECEIVED

OCT 30 2009

Department of Water Resources
Eastern Region

Ernie Carlsen
Idaho Department of Water Resources
900 N. Skyline Dr., Ste. A
Idaho Falls, ID 83402

RE: Request to Withhold Issuance of License for Water Right No. 31-7650.

Dear Ernie:

On behalf of Mud Lake Water Users, Inc., we request the Department withhold the issuance of a license for Water Right No. 31-7650. This water right sought the diversion of 730 cfs for ground water recharge, with a priority date of June 11, 1997. The field exam was performed on this water right in 1999, but no license has been issued. We do not anticipate that a license will be forthcoming, but wish to inform you that we have filed a late claim in the Snake River Basin Adjudication for essentially the same water right, as the information from the water rights backfile shows that water was actually first put to beneficial use in 1969. The SRBA Claim is moving forward as Water Right No. 31-12181. Because water was first put to beneficial use before 1971, it is possible to claim a beneficial use water right.

If you have any questions or concerns, please let me know.

Best Regards,

Robert L. Harris
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

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