

RECEIVED

AUG 28 2008

WATER RESOURCES
WESTERN REGION

AUGUST 25, 2008

John Westra
Regional Manager
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705-5082

I AM REQUESTING THE IDAHO DEPARTMENT OF WATER RESOURCES REVIEW THE FOLLOWING STATEMENTS AND MAKE THE APPROPRIATE CORRECTIONS.

APPLICATION 63-31350 WAS RECEIVED BY IDWR ON 7-30-01, REVISIONS WERE MADE ON 11-13-01 AND 4-16-02. THE APPLICATION WAS FOR 5CFS AND THE USES ARE RECREATION AND WILDLIFE.

ITEM #3 THE POINT OF DIVERSION IS NOT ON THE FILING PERSONS PROPERTY. ITEM #6 NOR IS A MAJORITY OF THE MEANS OF CONVEYANCE, WHICH MEANDERS APPROXIMATELY .9 OF A MILE THRU MY PROPERTY. THE POINT OF DIVERSION STATED IN #11 IS ON MY PROPERTY AND I AM NOT WILLING TO GIVE ACCESS TO RIGHT OF WAY AND TRESPASS UNDER THE LIMIT OF THE PERMIT. WHICH IS 24/7 AND 365 DAYS.

ON FORM 202A IN THE FINAL REGIONAL PROCESSING REVIEW, STEVE LESTER CHECKED YES ON THE SPECIAL CONDITIONS FOR APPROVAL OR COVER LETTER THAT STATED "NO RIGHT OF WAY OR TRESPASS". THIS STATEMENT WAS NOT INCLUDED IN THE CONDITIONS FOR PERMIT APPROVAL.

ITEM #4, UNDER THE CONDITIONS OF APPROVAL. PRIOR TO DIVERSION RIGHT HOLDER WILL INSTALL A DEVICE. THERE ARE NO LOCKABLE CONTROLLABLE WORKS INSTALLED IN THE CONVEYANCE.

IN CLOSING I WOULD INCLUDE I AM ONLY A PART TIME RESIDENT OF IDAHO EVEN THOUGH I WAS BORN IN BOISE. THE NOTIFICATION ON THIS WATER RIGHT WAS PUBLISHED BUT I HAD NO WAY OF KNOWING BECAUSE I DON'T SUBSCRIBE TO THE PAPERS THAT IT WAS NOTICED IN. I WOULD LIKE TO THANK YOU FOR YOUR CONSIDERATION. IF YOU NEED TO CONTACT SOMEONE ON THIS MATTER. PLEASE CALL GENE GIBSON (208-830-7982) OR MYSELF.

DAN BILBAO

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ELKO, NV 89803
208 867 2452

CC: David R. Tuthill, Jr. Director