

Keen, Shelley

From: Reel, David [David.Reel@ATK.com]
Sent: Thursday, May 01, 2008 5:38 AM
To: Keen, Shelley
Subject: RE: Seamons Application for a Water Right

Shelley,

The original was given to Seth who was going to give it to Candice or to IDWR. For the original please contact Candice. The letter is in response to the letter below. The letter came about after a board meeting held on 04-23-2008. Please advise Samaria Water & Irrigation Company of any further action it may need to take.

David Reel
President, Samaria Water & Irrigation Co.

From: Keen, Shelley [mailto:Shelley.Keen@idwr.idaho.gov]
Sent: Wednesday, April 30, 2008 5:28 PM
To: Reel, David
Subject: FW: Seamons Application for a Water Right

David,

Today IDWR received a letter from Candice McHugh with a photocopy of a letter from the Samaria board to IDWR. The letter from Samaria is dated 4/25/2008. IDWR has not yet received the original letter. Is the letter intended to respond to the conversation documented by my email below?

Shelley Keen
Idaho Department of Water Resources
P.O. Box 83720
Boise, ID 83720-0098
(208) 287-4947
shelley.keen@idwr.idaho.gov

From: Keen, Shelley
Sent: Monday, April 28, 2008 6:11 PM
To: 'Reel, David'
Subject: Seamons Application for a Water Right

David,

Thank you for calling last week to discuss Samaria Water & Irrigation Company's thoughts regarding the Seamons water right application. As we discussed, Idaho Code directs IDWR to make sure new water right approvals will not injure senior water right holders, regardless of whether the senior water right holders protest the new application or not. When an application is filed, the applicant has the burden to show that the new appropriation will not cause injury to a senior water user like Samaria. Once a permit is issued and the new water use commences, much of the burden shifts to the injured water user to show that injury is occurring.

If, as you and I discussed, Samaria does not mind if the Seamons permit is approved without an investigation of the potential to injure Samaria's senior right to divert from Warm Springs, IDWR would like confirmation in writing that

5/1/2008

Samaria realizes the burden to show injury may shift to Samaria. A letter from an officer or officers of Samaria will suffice.

Thank you, and please call or email if you have additional questions.

Shelley Keen
Idaho Department of Water Resources
P.O. Box 83720
Boise, ID 83720-0098
(208) 287-4947
shelley.keen@idwr.idaho.gov