

Keen, Shelley

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 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.

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