

Keen, Shelley

From: Keen, Shelley
Sent: Thursday, January 10, 2008 8:14 AM
To: Foster, Bob
Subject: RE: exchanges

Bob,

Right 74-31 was decreed in the SRBA with its historic (permanent) elements and a condition describing the exchange. Right 74-996 is not yet decreed. As far as I can tell, the recommendation describes the right as transferred a couple of years ago and does not refer to the exchange. I think the exchange can be terminated as described in Idaho Code Section 42-240. Please have both right holders notify IDWR and the water district in writing.

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-----Original Message-----

From: Foster, Bob
Sent: Tuesday, January 08, 2008 9:37 AM
To: Keen, Shelley
Subject: RE: exchanges

Well, I figured there would be a catch. The rights concerned are 74-31 and 74-993 and it looks like the exchange was done in 1985. Any thoughts? Thanks, Bob.

From: Keen, Shelley
Sent: Tue 1/8/2008 8:15 AM
To: Foster, Bob
Subject: RE: exchanges

Bob,

If it's an exchange approved under Section 42-240, the code says, "Should an approved exchange thereafter be discontinued, the applicant or the applicant's successor in interest must so notify the director and the district watermaster." I think that means they can just end the exchange, so long as they notify us. If it's an older exchange (before 1998) it may be more difficult because the exchange may be built into the elements of the licenses.

Shelley

-----Original Message-----

From: Foster, Bob
Sent: Tuesday, January 08, 2008 8:08 AM
To: Keen, Shelley
Subject: exchanges

1/10/2008

Good morning Shelley. I had a question posed to me regarding terminating an exchange. The exchange was done by previous owners and the current owners are in agreement to terminate the exchange if that is possible. Could you possibly give some direction here? Thanks, Bob.

1/10/2008