

Law Offices of

BAKER & HARRIS

Dwight E. Baker
Jared M. Harris *
Jonathan W. Harris
* Also Admitted in Utah

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RECEIVED

JUL 20 2007

**DEPARTMENT OF
WATER RESOURCES**

266 West Bridge Street
BLACKFOOT, ID 83221
Telephone (208) 785-2310
Facsimile (208) 785-6749

E-Mail — debaker@bakerharrislaw.com

June 30, 2007

Jeff Pappersack, Manger
Idaho Department of Water Resources
Water Rights Permits Section
PO Box 83720
Boise ID 83720-0098

Re: Transfer No. 71485- Water Rights 35-7488, 35-2685, 35-13046, 35-2599, 35-7489, 35-7490
Transfer Approval Notice dated March 10, 2005

Dear Mr. Pappersack:

I enclose a copy of transfer of water right dated March 9, 2005, which appears to contain a clerical error. I have highlighted in yellow the transfer rates representing the cubic feet per second for each of the water rights, which according to my computations totals 19.16 cfs. For a reason I do not understand, the combined total as noted on the enclosed document is 18.72 cfs.

I assume the reason for the discrepancy is a clerical error; if I am correct could you please advise as to what steps we ought to take to correct this error?

Alternatively, if the reason is for something other than a clerical error, could you please advise as to what steps might be taken to correct the situation?

Your response will be appreciated.

Yours very truly,

BAKER & HARRIS

*Sent without signature
to avoid delay*

Dwight E Baker
DEB/lb
Enclosure

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 71485

This is to certify that: JAMES W BAKER
PO BOX 577
BLACKFOOT ID 83221-0577
(208)785-2310

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
35-7488	WR/License	03/14/1975	4.24 cfs	1168 af	N/A	292.0	GROUND WATER
35-7489	WR/License	03/14/1975	3.35 cfs	670.4 af	N/A	167.6	GROUND WATER
35-13046	WR/Decreed	05/01/1979	0.44 cfs	N/A	N/A	313.0	GROUND WATER
35-2685	WR/Decreed	08/14/1961	3.66 cfs	N/A	276.0	313.0	GROUND WATER
35-7490	WR/Decreed	08/12/1976	5.46 cfs	1224 af	N/A	306.0	GROUND WATER
35-2599	WR/Decreed	07/26/1960	2.01 cfs	854 af	N/A	222.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
35-7488	NO	NO	YES	YES	NO	NO
35-7489	NO	NO	YES	YES	NO	NO
35-13046	NO	NO	YES	YES	NO	NO
35-2685	NO	NO	YES	YES	NO	NO
35-7490	NO	NO	YES	YES	NO	NO
35-2599	NO	NO	YES	YES	NO	NO

Summary of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (changed portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
35-7488	35-7488	4.24 cfs	1168.0 af	292.0	1,300.6		N/A	N/A	N/A	N/A
35-7489	35-7489	3.35 cfs	670.4 af	167.6	1,300.6		N/A	N/A	N/A	N/A
35-13046	35-13046	0.44 cfs	N/A	37.0	1,300.6		N/A	N/A	N/A	N/A
35-2685	35-2685	3.66 cfs	N/A	276.0	1,300.6		N/A	N/A	N/A	N/A
35-7490	35-7490	5.46 cfs	1224.0 af	306.0	1,300.6		N/A	N/A	N/A	N/A
35-2599	35-2599	2.01 cfs	854.0 af	222.0	1,300.6		N/A	N/A	N/A	N/A
COMBINED										
TOTALS		18.72 cfs	5168.4 af	1300.6	1300.6		N/A	N/A	N/A	N/A



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov.

March 10, 2005

MAR 15 2005

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

JAMES W BAKER
PO BOX 577
BLACKFOOT ID 83221-0577

RE: Transfer No.: 71485 - Water Rights 35-7488, 35-2685, 35-13046, 35-2599,
35-7489, 35-7490 - Transfer Approval Notice

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's homepage on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at 208-287-4948.

Sincerely,

Camela S Skaggs

for Jeff Peppersack, Manager
Water Rights Permits Section

JP:klt

Enclosure(s)

cc: DWIGHT E BAKER

CERTIFICATE OF SERVICE

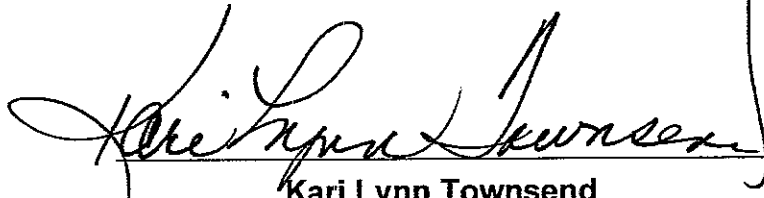
I hereby certify that on March 10, 2005 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

RE: TRANSFER NO. 71485

WATER RIGHTS 35-7488, 35-2685, 35-13046, 35-2599, 35-7489, 35-7490

**DWIGHT E BAKER
PO BOX 577
BLACKFOOT ID 83221**

**JAMES W BAKER
PO BOX 577
BLACKFOOT ID 83221-0577**



**Kari Lynn Townsend
Secretary**

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 71485

Detailed Water Right Description(s) attached

Dated this 9th day of March, 20 05

Gary Spackman
Chief, Water Allocation Bureau