

BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

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DEPARTMENT OF
WATER RESOURCES

May 7, 2007

Deborah J. Gibson
Idaho Department of Water Resources
322 East Front St.
P.O. Box 83720
Boise, ID 83720-0098

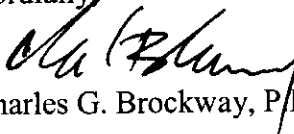
Re: 37-510A and 37-685D Resumption of use
Project No. 303-03-2003

Dear Ms. Gibson:

Enclosed please find resumption of use forms for the above-referenced water rights documenting that usage resumed in 2006.

These forms are being submitted as a means of completing the administrative process relative to the Extension of Time to Avoid Forfeiture that was granted by the Department in 2002. However, as you know, recent court rulings have confirmed that the forfeiture clock is tolled while the rights are included in the Snake River Basin Adjudication, and therefore these rights are protected from forfeiture until the date of the decree, at which time the forfeiture clock is reset and forfeiture becomes a potential only after five years of non-use. Mr. Stanislaw confirmed with David Tuthill at a meeting in Sun Valley last spring that the Department was adhering to the court ruling and that the forfeiture clock would not start until the date of the decree. By submittal of the resumption forms the claimant in no way waives his right to assert protection from forfeiture under this court ruling.

Cordially,


Charles G. Brockway, P.E.

Cc: Miles Stanislaw